

2010 STATUS REPORT ON PUBLIC DEFENSE IN WASHINGTON STATE

January 2011

Washington State Office of Public Defense

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TABLE OF CONTENTS

INTRODUCTION	1
TROUBLING DEFICIENCIES REMAIN IN DEFENSE	2
State and Local Budget Reductions Impact Defense Programs	2
Caseloads, Compensation and Other Quality Issues	4
WASHINGTON STATE OFFICE OF PUBLIC DEFENSE.....	9
Continuing Legal Education Program.....	10
Resource Attorneys.....	11
Other Agency Activities.....	12
PUBLIC DEFENSE IMPROVEMENTS - FUNDING UNDER CHAPTER 10.101 RCW.....	13
COUNTY REPORT	17
ADAMS COUNTY	19
ASOTIN COUNTY.....	20
BENTON COUNTY	21
CHELAN COUNTY.....	22
CLALLAM COUNTY.....	23
CLARK COUNTY	24
COLUMBIA COUNTY	25
COWLITZ COUNTY	26
DOUGLAS COUNTY	27
FERRY COUNTY.....	28
FRANKLIN COUNTY.....	29
GARFIELD COUNTY	30
GRANT COUNTY	31
GRAYS HARBOR COUNTY	32
ISLAND COUNTY	33
JEFFERSON COUNTY	34
KING COUNTY.....	35
KITSAP COUNTY.....	37
KITITITAS COUNTY.....	38
KLICKITAT COUNTY.....	39
LEWIS COUNTY	40
LINCOLN COUNTY.....	41
MASON COUNTY	42
OKANOGAN COUNTY	43

PACIFIC COUNTY	44
PEND OREILLE COUNTY	45
PIERCE COUNTY.....	46
SAN JUAN COUNTY	47
SKAGIT COUNTY	48
SKAMANIA COUNTY	49
SNOHOMISH COUNTY	50
SPOKANE COUNTY	51
STEVENS COUNTY	52
THURSTON COUNTY.....	53
WAHKIAKUM COUNTY	54
WALLA WALLA COUNTY.....	55
WHATCOM COUNTY	56
WHITMAN COUNTY.....	57
YAKIMA COUNTY.....	58
CITY REPORT.....	59
CITY OF BELLINGHAM	60
CITY OF BREMERTON	61
CITY OF CENTRALIA	62
CITY OF CHENEY	63
CITY OF DES MOINES.....	64
CITY OF EAST WENATCHEE	65
CITY OF FEDERAL WAY	66
CITY OF LONGVIEW	67
CITY OF OLYMPIA	68
CITY OF PORT ANGELES.....	69
CITY OF SOUTH BEND.....	70
CITY OF SPOKANE.....	71
CITY OF STEVENSON.....	72
CITY OF TACOMA	73
CITY OF VANCOUVER	74
CITY OF YAKIMA	75
Appendix A.....	76
Appendix B.....	78

INTRODUCTION

It is Washington State's constitutional duty to guarantee the right to counsel for more than 250,000 indigent persons who are prosecuted each year by the counties, cities and state in matters ranging from adult and juvenile felony and misdemeanor crimes, to mental health commitments, to child dependency cases and termination of parental rights. The Indigent Defense Services Act, Chapter 10.101 RCW, is the statutory framework for the state's public defense improvement program. Although the statute has existed for decades, it first established a mechanism to provide state funding assistance and require accountability in 2006. This relatively new improvement came in response to compelling indicators that the basic public defense services guaranteed by our state and federal constitutions had long been deficient throughout Washington.

In the past five years nearly all counties and selected cities have effectively used state funding to make vital public defense improvements, as required by the statute. The Legislature, counties, cities, courts, bar associations, and individual attorneys have demonstrated a solid commitment to pushing ahead until our constitutions' guarantee of the right to effective assistance of counsel is truly fulfilled. Nevertheless, public defense in Washington still is not attaining an overall appropriate level of quality, and serious shortcomings persist in many local programs. These deficiencies are only exacerbated by a lingering economic recession that has forced substantial state and local budget cuts, including cuts to public defense funding.

This fifth annual Status Report, while not overlooking the valuable progress that has occurred, directs attention to ongoing problem areas with the expectation that such scrutiny will help focus efforts to resolve the problems and achieve a statewide minimum level of service essential to comport with basic constitutional requirements. Excessive attorney caseloads and poor compensation are among the most persistent problems in many local public defense programs, and often can be identified as the root of other issues. Recent case law highlights the insidious nature of these problems and their negative impact on the overall administration of justice.

The report also documents efforts by the state Office of Public Defense (OPD) to assist local governments, train public defense attorneys, and serve as an expert resource for public defense information in the State of Washington. Among other activities, OPD compiles local trial-level criminal public defense data, and county and city ordinances and attorney contracts related to public defense services. Washington jurisdictions' public defense data is set out in this report starting at [Page 17](#).

TROUBLING DEFICIENCIES REMAIN IN DEFENSE

State and Local Budget Reductions Impact Defense Programs

With a deepening recession in Washington State in 2010 and government revenues declining sharply, budgets at all levels – state, county, city – imposed unprecedented cuts in core services, including public defense. Even after final adoption, some budgets were revisited for a new round of cuts mid-year. At the state, for example, multiple declining revenue forecasts triggered statutory “across-the-board” budget reductions effective October 1 followed by an unprecedented lame-duck special session of the Legislature in December to adopt further cuts to the current fiscal year spending plan.¹ The administrative activities and staff at the Washington State Office of Public Defense (OPD) absorbed a 7.6 percent cut in addition to significant cuts previously enacted by the 2010 Legislature.

Although state leaders agreed to exempt OPD’s constitutionally mandatory client-service spending from the cuts, public defense improvement funding to local governments declined by 1.4 percent for the current fiscal year. For some counties the small cut will not significantly affect their budgeting decisions for the 2011 calendar year. However, others will experience a noticeable impact from the budget cut combined with fluctuations in the factors used to calculate their annual share of state funding.²

By late 2010, as counties and cities adopted annual budgets for calendar year 2011, several reported cuts that directly impact public defense services. King County, for instance, adopted a budget that reduced spending on public defense, including reductions to non-contract appointed counsel, reductions in the King County Public Defender’s interviewer staff, likely layoffs at the non-profit public defense agencies that contract with the county due to a change in the process of child support enforcement contempt of court representation, and reduced funds available for expert witnesses.

Across the state in Spokane County, the primary county public defense agency will lose two full-time attorney positions and three other staff positions. In Yakima

¹ The Judicial Branch of government, which includes OPD, engaged in a budget reduction analysis and methodology that mirrored the Governor’s Executive Branch approach exempting constitutional obligations from cutbacks. See Governor’s Executive Order 10-04. See also letters from Chief Justice Madsen to Governor Gregoire dated Oct. 13 and Dec. 9, 2010.

² As directed by Chapter 10.101 RCW, each county’s pro rata share of available state funding is determined annually by a formula that considers, among other factors, the number of felony charges filed in that county in the previous year. Some counties experienced a dramatic decrease in felony filings between 2008 and 2009, which consequently reduced their share of state funding for public defense improvements.

County, the county public defender will reduce his contracts with outside attorneys who handle overflow and conflict cases by two full-time positions. Kitsap County, while continuing to invest in its transition from a contract-based system to a county public defense agency, reports that it is shifting some funds previously held in reserve in the public defense budget.

A few counties, however, appear to be going against the tide of budget reductions. Thurston County reports that it will restore a District Court defense attorney position that it cut last year, and Chelan County is adding a half-time investigator position and increasing attorney pay to achieve parity with the prosecutors. Clark County approved a budget at the level requested by the county's public defense coordinator and Benton County also reports no funding cuts. Budget impacts also seem less immediate in counties that utilize only contracted counsel, especially where previously negotiated multi-year contracts are in place. For example, Okanogan County reports layoffs and budget reductions in other criminal justice functions but will keep 2011 public defense spending at the same level as 2010.

A financial safety valve for public defense services in all counties is the ability for agencies and contractors to request additional funds from the local legislative authority in the middle of a budget cycle, if unavoidable costs appear to outpace planned spending. This type of mid-year supplemental budget request often occurs when a county experiences an aggravated murder case or other unanticipated high-profile case.

Chapter 10.101 RCW does not permit use of state funds to supplant county funds, and despite recent reductions, local budget cuts do not appear to jeopardize any county's eligibility for state funding on this basis. Nevertheless, any reduction in public defense funding arguably is a step in the wrong direction for constitutionally required services that have been systematically underfunded for decades.

Pulling Together. *"So far, we have been able to pull everything together, although we had a hard time when the public defender contract came up for bid. We worked extremely hard to keep the public defender program funded appropriately."*

-- A Western Washington Superior Court judge responding to the court-funding survey conducted in September 2010 by the state Administrative Office of the Courts.

Caseloads, Compensation and Other Quality Issues

Caseload limits. Caseload limitation is widely considered to be the most critical objective standard for predicting quality in a public defense program. The caseload standard defines how many clients a public defense attorney may represent in a year. The Washington State Bar Association (WSBA) in 2007 carefully reviewed and updated its published Standards for Indigent Defense Services to limit caseloads to 150 felonies per attorney per year, or 250 juvenile cases, or 300 to 400 misdemeanor cases depending on whether the local courts operate diversion programs.³

For those unfamiliar with criminal law, the above general case types include the following charges: Adult felonies range from drug possession to various property crimes to sex offenses and other serious violent crimes, and carry penalties from a few months in the local jail to life in prison. (Death penalty cases are a separate category subject to a special court rule on appointment of counsel.) Misdemeanors, whether prosecuted in a county District Court or a city Municipal Court, include shoplifting and traffic offenses, such as driving under the influence and reckless driving, domestic violence and certain other assaults, and carry penalties of up to a year in jail. Juvenile offenses include the full range of charges from simple misdemeanors through the most serious felonies. A conviction on any of the above charges may also include monetary fines, restitution and court costs, may impact immigration status, and may limit future rights and opportunities for employment, housing, military service and higher education.

Most local jurisdictions have adopted formal public defense practice standards, as provided in Chapter 10.101 RCW, but only nine counties and two cities receiving state funds have adopted either the WSBA-endorsed caseload standards or similar numeric limits. More than half the counties have adopted ordinances or resolutions that are unspecific as to caseload, only requiring, for example, that they be “reasonable” or “manageable.” Nevertheless, in recent years Washington counties and cities have begun to recognize the importance of caseload as a barometer of quality and now identify caseload reduction as a high priority. Nearly 53 percent of counties – 20 of 38 – report that they currently use state funds to reduce attorney caseloads, up from just 10 counties in 2007. Likewise, 40 percent of cities that received state grants report using some or all of the funding for caseload reduction.

Although several counties and cities still condone extreme misdemeanor caseloads – including one city contract that allows a single attorney to be responsible for more than 1,700 misdemeanor cases per year – in general the data indicate that most local agencies and individual contracts do not require attorneys to exceed caseload standards.

³ WASHINGTON STATE BAR ASSOCIATION, STANDARDS FOR INDIGENT DEFENSE SERVICES (2007), available at www.wsba.org/lawyers/groups/committeeonpublicdefense.htm

Unfortunately the courts do not maintain a centralized statewide case-counting methodology for cases assigned to public defense attorneys, so information provided to OPD is based on local practices and not on a uniform protocol. For example, the majority of counties count a probation violation as equal to one-third of a case, yet some counties count each probation violation as a full case. Some counties count a case twice if a warrant is issued; others do not.

Stacking contracts. In addition to local variations in case counting, many jurisdictions utilizing contract defense services may not be aware that attorneys with whom they contract for a full or partial caseload also contract with or accept appointments in other courts – sometimes significantly exceeding per-attorney caseload standards. This so-called “stacking” of multiple contracts seems to be a relatively common practice among attorneys. Following are just a few examples identified while reviewing public defense contracts submitted to OPD:

- One attorney has a contract with a county court to handle 91 felonies per year, plus contracts with two separate municipal courts to represent 375 misdemeanors and 450 misdemeanors, respectively.
- Another attorney contracts for a half-caseload in Juvenile Court plus one and one-half times the full caseload in District Court. That’s 775 cases per year.
- A three-attorney firm shares 2,500 misdemeanor cases – double the limit for each attorney. In another firm two attorneys split 2,800 misdemeanor cases – three and one-half times the maximum caseload each.

As local jurisdictions become more aware of the stacking problem, some are beginning to structure contracts to prohibit outside employment that would lead an attorney to significantly violate caseload standards. For example, Thurston County Office of Assigned Counsel (OAC) requires private attorneys who contract to provide public defense services to report all of their public defense contracts as well as hours billed for non-public defense legal services.

Caseload Overload. *“The year he represented A.N.J., Anderson represented 263 clients under this contract. Additionally, he carried an average of 30 – 40 active dependency cases at any one time, and about another 200 cases.”*

-- Opinion of the Washington Supreme Court in *State v. A.N.J.*, which found that a contract defense attorney’s excessive caseloads in 2004 contributed to ineffective assistance of counsel on behalf of a juvenile client.

Compensation. Poor or mediocre compensation appears to be a primary incentive for many attorneys to pursue multiple contracts and ultimately exceed caseload limits. According to the WSBA Standards on Indigent Defense Services and similar national standards, defense attorney compensation should be comparable to local prosecutors,⁴ a goal that remains elusive in some areas of Washington State.

For county or city-based public defense agencies, pay parity is the norm; public defenders and deputy prosecutors are both government employees who earn comparable salaries, pension plans and health insurance benefits for themselves and their families. But parity can be especially difficult to achieve for private contract public defense attorneys who are individually responsible for paying the full cost of office overhead and any benefits such as insurance or retirement plans.

In 2010, four cities and 20 smaller and/or rural counties used state funds to increase defense attorney pay, as did the three largest Puget Sound-area counties. Yet, some local contracts still provide compensation that, after accounting for basic overhead expenses, leaves attorneys earning less than \$30 per hour for serious violent felony cases and as little as \$11 per hour for misdemeanors.

Of jurisdictions that pay by the case, one city pays only \$60 per misdemeanor -- \$24,000 a year for the high-end of the caseload standard. In several counties the projected per-case pay is under \$150 per misdemeanor, which, after subtracting the minimal costs necessary to operate a small law practice, leaves an annual attorney income of only about \$40,000.

Oversight. Coordinated system oversight is crucial to ensuring that defendants are well-represented, and that taxpayers receive value for their tax dollars. Professional oversight of attorney contracts also can help address contract stacking, as noted above.

Since 2006 eight counties that previously relied on non-attorney administrative staff to manage public defense contracts now either employ an attorney coordinator or are in the process of transitioning to a county-based public defense agency. Stacking appears to be less prevalent in counties and cities with public defender agencies, coordinators or contracts with nonprofit firms that provide exclusively public defense representation. These systems are designed to supervise employees and enforce contract compliance.

State v. A.N.J. There is, however, a new urgency for attorneys and governments to monitor and manage caseloads. The Washington Supreme Court for

⁴ Standard One, WASHINGTON STATE BAR ASSOCIATION, STANDARDS FOR INDIGENT DEFENSE SERVICES (2007), available at www.wsba.org/lawyers/groups/committeeonpublicdefense.htm

the first time directly confronted the persistent problems of excessive public defense caseloads and inadequate pay in *State v. A.N.J.*, 168 Wn.2d 91 (2010).

When the case began in 2004, the juvenile in *A.N.J.* sought to withdraw a guilty plea to a child molestation charge because his public defense attorney failed to adequately consult with him and provided misinformation about the seriousness of the charge and the lifelong consequences of pleading guilty. In addition, the attorney failed to investigate the case or consult any experts. He did not contact known exculpatory witnesses, and he performed no appreciable work on his client's behalf. The attorney himself estimated that he spent as little as 55 minutes on the case.⁵ The Supreme Court in 2010 ordered the trial court to allow the juvenile to withdraw his guilty plea, which he did. The prosecutor did not re-file the charges.

The Court in *A.N.J.*, however, did not narrowly focus on the actions of this one attorney in this single case, but rather set out the following far-reaching professional benchmarks, all of which hinge on manageable caseloads and reasonable pay:

- Duty to investigate. Defense counsel has a duty to investigate the facts in order to assist a client in making an informed decision about a plea agreement, even when the client is prepared to confess to a crime. Investigative costs should not be paid out of a public defender's own fees because such arrangement creates a financial disincentive for the attorney to do any investigation.⁶
- Duty to form a confidential relationship with client. Counsel's failure to consult with a juvenile client outside the presence of his parents can be evidence of ineffective assistance in determining whether the juvenile has made his own decision to enter a plea or has simply deferred to his parents' wishes.
- Duty to know the law. Counsel may not mislead a client into erroneously believing that a conviction could be removed from his permanent record.
- Client communication. The Court made several references to the attorney's general lack of time spent on this case due to his overburdened caseload and contractual disincentives. The Court linked this inattention to the specific deficiencies of performance and the client's inability to enter a valid plea.

⁵ *State v. A.N.J.*, at 102 n.7.

⁶ Prior to its ruling in *A.N.J.*, the Court amended the Rules of Professional Conduct for attorneys to clarify that a public defense attorney may not enter into a contract that requires the attorney to bear the cost of experts, investigators or conflict counsel. RPC 1.8(m).

Systemic Ineffectiveness: *“While the vast majority of public defenders do sterling and impressive work, in some times and places, inadequate funding and troublesome limits on indigent counsel have made the promise of effective assistance of counsel more myth than fact, more illusion than substance.”*

-- *State v. A.N.J.*, at 99.

New rules. Just a few months after issuing its landmark opinion in *State v. A.N.J.*, the Washington Supreme Court adopted controversial new statewide public defense rules for the trial courts, although implementation is delayed until September 2011. The new rules require that “Before appointing a lawyer for an indigent person or at the first appearance of the lawyer in the case, the court shall require the lawyer to certify to the court that he or she complies with the applicable Standards for Indigent Defense Services to be approved by the Supreme Court.”⁷

Following concerns voiced by attorneys and others about a lack of specifics in the rules, the Court delayed implementation and asked the Washington State Bar Association, which developed the Standards for Indigent Defense Services, to recommend which of the 18 Standards the Court should approve for the rules. Among the Standards currently under discussion at the WSBA’s Council on Public Defense, are Standard Three – Caseloads, Standard Five – Administrative Costs, Standard Six – Investigators, Standard 13 – Limitations on Private Practice of Contract Attorneys, and Standard 14 – Qualifications of Attorneys. The WSBA Board of Governors is expected to forward final recommendations to the Court in Spring 2011.

⁷ CrR3.1, CrRLJ 3.1 and JuCR 9.1, available at www.courts.wa.gov/court_rules

WASHINGTON STATE OFFICE OF PUBLIC DEFENSE

The Washington State Office of Public Defense (OPD) supports a variety of public defense activities in addition to administering the Chapter 10.101 RCW state funding program. OPD's statutory mandate is "to implement the constitutional and statutory guarantees of counsel and to ensure effective and efficient delivery of indigent defense services funded by the State of Washington."⁸

Trial Level Public Defense Consulting Program

Since 2005, OPD has implemented a local public defense consulting and training program with state funds appropriated for this purpose. Counties and cities are eligible for OPD technical assistance in all phases and approaches of providing trial-level criminal defense services. Over the past four years, OPD staff have established mutually productive relationships with officials in all jurisdictions receiving state funding, and, upon request, have consulted extensively with officials and defense attorneys in a number of counties and cities.

In 2010, OPD's two Public Defense Services Managers assisted numerous local governments in addressing persistent problems and implementing significant improvements to local public defense programs. OPD's support included:

- Providing individualized technical assistance in the development of public defense standards ordinances.
- Developing and distributing through the OPD website a sample indigent defense contract, as well as reviewing local public defense contracts on request. OPD staff were instrumental in advising counties and cities on how to comply with changes to statewide court rules and attorney ethics rules.
- Promoting a streamlined indigency screening procedure and form now used by many counties and cities. OPD also updated the form to reflect recent changes in state law.
- Advising public defense attorneys and local agencies around the state of new case law, court rules and attorney rules of professional conduct.
- Compiling and analyzing local trial-level public defense data, including county and city ordinances and contracts related to public defense services. Prior to 2006 no entity systematically collected such data on a statewide basis.
- Responding to formal and informal public requests for information about public defense in Washington.

Over the course of 2010 OPD staff visited 19 counties and 15 cities that receive state funds, observing courtroom proceedings as well as meeting directly with judges,

⁸ RCW 2.70.005.

court administrators, public defense agency directors and coordinators, public defense attorneys, county commissioners and their staff. As the Washington State Joint Legislative Audit and Review Committee (JLARC) found in its 2008 audit of OPD, personal visits and ongoing practical assistance from the state agency directly and positively impact local efforts to improve public defense.⁹

During 2011, OPD will emphasize its consultation role in conjunction with Chapter 10.101 RCW's requirement that the agency determine whether each jurisdiction receiving state funds has substantially complied with the program's statutory requirements. OPD also will continue to review local contracts, and will notify local jurisdictions when individual attorneys appear to be engaging in multiple contracts that collectively exceed caseload standards.

Continuing Legal Education Program

Since 2006, OPD has provided training for public defense attorneys who practice predominately in non-urban areas throughout the state. Historically these attorneys have had to travel long distances and incur significant personal expense to attend quality training, but now can anticipate that OPD will host at least one high-quality, professionally relevant Continuing Legal Education (CLE) program each year within an hour or two of their local practice.

A county or city receiving state funds under Chapter 10.101 RCW must require local defense attorneys to take at least seven hours of CLE classes in defense-related criminal law. OPD's regional CLE program allows public defense attorneys to obtain these credits for no charge with relevant, up-to-date live presentations. In planning each class, OPD works with local attorneys to target important local issues. The CLEs also provide attorneys an opportunity to network with colleagues in neighboring counties.

In 2010, OPD offered no-cost training programs in East Wenatchee, Everett, Olympia, Port Townsend, Spokane, Vancouver and Wenatchee. The class locations

OPD's 2010 CLE Programs Featured a Variety of Topics:

Representing Clients At First Appearance

George Yeannakis, Team Child;
Colleen O'Connor, Society of Counsel
Representing Accused Persons

Making and Preserving the Record for Appeal

Jodi Backlund, Backlund and Mistry

Immigration Issues in the Wake of Padilla v. Kentucky

Ann Benson, Immigration Project,
Washington Defender Association

Ethical Dilemmas for Lawyers with a Public Defense Practice

Erica Temple, Disciplinary Counsel,
Washington State Bar Association

Overview of Search and Seizure Issues

Cindy Arends, Washington Defender Association

Residential DOSA Utilization

Multiple presentations
Washington State Department of Corrections

Indigency Screening Conference

OPD staff and local professionals

Ethics and Practice Impacts of State v. A.N.J.

Cindy Arends, Washington Defender Association
George Ahrend, Dano Gilbert & Ahrend PLLC
George Yeannakis, TeamChild
Jim Shackleton, Thurston County OAC
Jodi Backlund, Backlund and Mistry
John Rodgers, Spokane County Public Defender
Kathy Knox, City of Spokane Public Defender
Rafael Gonzales, Grant County Public Defense
Travis Stearns, Washington Defender
Association
Robert Boruchowitz, Seattle University School of
Law

⁹ <http://www.leg.wa.gov/JLARC/AuditAndStudyReports/2008/Documents/08-2.pdf>

and agendas were designed to serve public defense attorneys in traditionally underserved regions, many of whom practice without the institutional framework of a public defense agency or other professional support.

Three all-day CLEs focused on practical implementation of requirements articulated in *State v. A.N.J.*, the recent Washington Supreme Court decision that highlighted the duties an attorney owes to his or her client in order to ensure effective assistance of counsel.¹⁰ Another CLE offered a variety of topics suggested by local attorneys, including an update on a critical new immigration ruling by the U.S. Supreme Court.¹¹

In addition to the day-long programs, OPD coordinated a number of “short course” CLEs educating public defense attorneys, prosecutors and judges on developments in the state’s Drug Offender Sentencing Alternative (DOSA) law and how to optimize local use of DOSA residential drug treatment services.

OPD also administered funding to underwrite two public defense CLEs organized by the Death Penalty Assistance Center (WDPAC).¹² Due to state budget reductions, OPD did not offer its usual scholarship support for new public defenders attending the Washington Defender Association (WDA) annual statewide conference. However, OPD staff were able to contribute in-kind services for CLEs hosted by WDA, including an intensive three-day trial-advocacy school in March and an ethics program in December.¹³

In addition to providing attorney training, OPD co-hosted with Snohomish County a statewide meeting of indigency screeners and others interested in how the courts determine a defendant to be legally indigent and eligible for public defense counsel.

Resource Attorneys

OPD continued to contract with the Washington Defender Association (WDA) for criminal law resource attorney services during 2010, pursuant to legislative budget directive and Chapter 10.101 RCW. Two full-time attorneys at WDA are funded through this program to provide one-on-one consultation and professional support to individual public defense attorneys who contact them about specific case-related issues. The resource attorneys each provided hundreds of consultations with individual local attorneys during the year. In addition, they produced and distributed periodic case law updates and practice advisories to public defense attorneys throughout the state. The resource attorneys also presented information about emerging issues at WDA and OPD training programs.

¹⁰ *State v. A.N.J.*, 168 Wn.2d 91 (2010)

¹¹ *Padilla v. Kentucky*, 130 S. Ct. 1473 (2010)

¹² The Washington Death Penalty Assistance Center (DPAC) was established by the Washington Legislature to provide technical assistance for attorneys defending capital cases, and receives state funding through Washington OPD. The Center does not represent individual clients, see www.wdpac.org.

¹³ For information on CLEs organized by WDA, see www.defensenet.org/education-and-training

Other Agency Activities

In addition to administering the state agency's programs, OPD staff continued in 2010 to exercise leadership roles with the WSBA's Council for Public Defense (CPD) and the Supreme Court's Justice In Jeopardy Implementation Committee whose purpose is to broaden awareness of the critical role of the judicial branch of government in maintaining the rule of law in a free society. OPD also worked with the state Higher Education Coordinating Board to implement the John R. Justice loan forgiveness program, a federally funded grant to reduce the burden of law school loans for attorneys in public service, including public defense. The OPD director, deputy director and public defense services managers were invited speakers at other organizations' meetings, the state Board for Judicial Administration, WSBA Board of Governors, and state legislative workshops and formal hearings.

PUBLIC DEFENSE IMPROVEMENTS - FUNDING UNDER CHAPTER 10.101 RCW

In Washington, state funding is critical for local jurisdictions to be able to fulfill the state's constitutional duty to provide public defense counsel to indigent defendants in criminal matters. Nationally, states address their funding obligations in several ways. Twenty-eight states provide 100 percent of indigent defense funding for the trial courts. Sixteen states (including Washington) rely on local governments to pay a significant portion of costs related to trial-level indigent defense. In the remaining states, local governments alone fund public defense in the trial courts, even though it is the state's obligation to ensure the right to counsel.

As of 2010, four years after the first distribution of state funding pursuant to Chapter 10.101 RCW, Washington State is funding less than 5 percent of the total expended on trial-level public defense, with counties and cities funding the balance.¹⁴

While public defense programs face challenges in ensuring the constitutional right to counsel for indigent criminal defendant, the state funding provided to counties and cities pursuant to Chapter 10.101 RCW contributes significantly to valuable improvements in services throughout the state.

The Washington Legislature authorized more than \$6 million for use during calendar year 2010 for counties and cities to improve indigent defense services. In accordance with state law, 90 percent of the funds were distributed to eligible counties and 10 percent to selected cities. Individual county distributions were determined based on a statutory formula that considers population and adult felony filings. The city distributions were based on competitive grants.¹⁵

Tables A and A1 show 2010 county and city use of state funds, identified by primary purpose areas. Note that some jurisdictions applied state funding to more than one purpose. Note also that this data only tracks use of state-allocated funds; individual counties and cities direct local funding to virtually all the purposes listed below and may choose to apply local funding rather than state funding to some purpose areas.

¹⁴ Based on state legislative appropriations, as well as expenditure information reported by local governments in their applications for state funding under Chapter 10.101 RCW.

¹⁵ RCW 10.101.070 *et. seq.*

Table A

County Use of Funding Provided Under Chapter 10.101 RCW

County	Oversight & Accountability	Attorney Compensation	Caseload Reduction	Attorneys at 1 st Appearance & Arraignment	Investigation, Experts, Interpreters
Adams		√		√	√
Asotin		√	√		√
Benton	√				
Chelan		√			
Clallam			√		
Clark	√		√	√	√
Columbia		√			
Cowlitz	√	√	√	√	√
Douglas					
Ferry				√	
Franklin	√				
Garfield		√	√	√	√
Grant	√		√		√
Grays Harbor		√		√	√
Island		√	√		√
Jefferson		√	√		√
King	√	√	√		
Kitsap	√				√
Kittitas		√		√	√
Klickitat		√			√
Lewis	√			√	
Lincoln		√	√	√	√
Mason		√			√
Okanogan			√		√
Pacific		√	√		√
Pend Oreille		√		√	
Pierce		√	√	√	
San Juan		√	√	√	√
Skagit			√		√
Skamania					√
Snohomish	√	√	√	√	
Spokane			√	√	
Stevens				√	
Thurston			√		
Wahkiakum		√			
Walla Walla		√		√	√
Whatcom			√		
Whitman		√			
Yakima		√	√	√	
Total	9	23	20	17	20

Table A1

City Use of Funding Provided Under Chapter 10.101 RCW

Cities	Caseload Reduction	Attorneys at 1 st Appearance & Arraignment	Attorney Compensation	Investigation, Experts, Interpreters
Bellingham		√		
Bremerton		√	√	
Centralia		√		√
Cheney		√		
Des Moines		√		
East Wenatchee			√	
Federal Way	√			
Longview	√			
Olympia		√		
South Bend			√	√
Spokane	√	√		
Stevenson			√	
Tacoma	√			
Vancouver	√			
Yakima	√			
Total	6	7	4	2

Caseload Reduction. As illustrated in Tables A and A1, 20 of Washington's 39 counties and six cities used state funds in 2010 to reduce attorney caseloads—the same as the previous year. Those 20 counties include all of Washington's larger counties where the vast majority of cases are filed. Nine of the counties have adopted numeric caseload standards similar to or based on WSBA Standard 3, which limits per-attorney caseloads to a maximum of 150 felonies per year, 300 to 400 misdemeanors per year, or 250 juvenile offender cases per year.¹⁶

Attorneys at First Appearance/Arraignment. 2010 also saw a continued emphasis across the state to provide a defense attorney at a defendant's first appearance in court. Seventeen counties and seven cities used state funds for first-appearance counsel during the past year—an increase of four counties over 2009. Several report substantial efficiencies and cost-savings as a direct result.

Oversight and Accountability. Coordinated system oversight is crucial to ensuring that defendants are well-represented, and that taxpayers receive value for their tax dollars.

¹⁶ WASHINGTON STATE BAR ASSOCIATION, STANDARDS FOR INDIGENT DEFENSE SERVICES (2007), available at www.wsba.org/lawyers/groups/committeeonpublicdefense.htm

Eight smaller counties, as well as Washington's largest county, used state funds to improve oversight of defense services.

Attorney Compensation. According to the WSBA Standards and national authorities, defense attorney compensation should be comparable to local prosecutors, a goal that remains elusive in some areas of Washington. Small and rural counties have historically had difficulty recruiting and retaining qualified public defense attorneys, due in part to low pay and small contracts. In 2010, 20 smaller and/or rural counties used state funds to increase defense attorney pay, as did the three largest Puget Sound-area counties.

Investigation, Experts, Interpreters. Mandatory client services necessary to ensure effective assistance of counsel include case investigation, expert witnesses and language interpreters, as appropriate to each case. See the individual county pages for details on how counties used state funding to address these crucial defense-related services.

COUNTY REPORT

Introduction

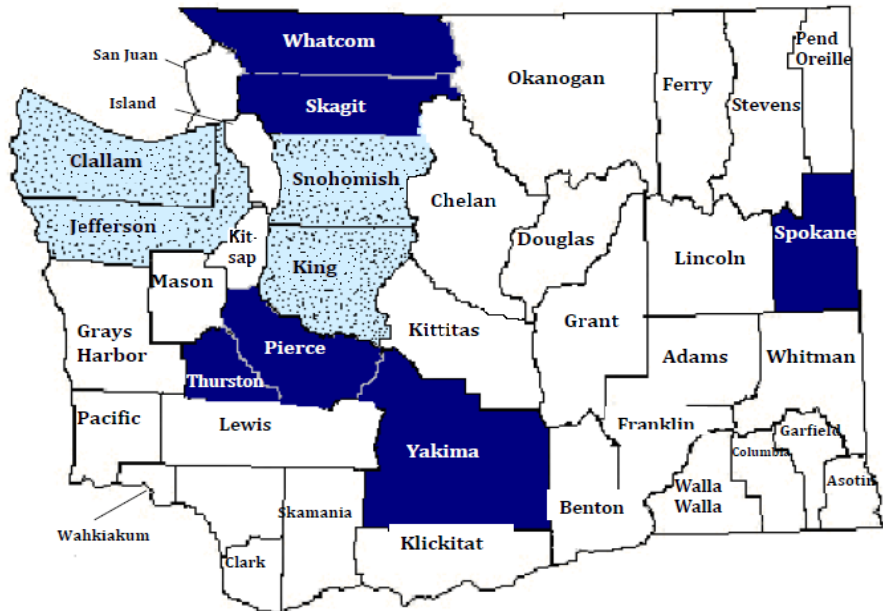
Across the state, county public defense systems vary widely. Except for the smallest, all counties have a primary public defense system and a method of appointing other attorneys for conflict cases. As of December 2010, nine counties operate public defender offices as agencies of county government, five counties contract with non-profit providers, four counties employ a professional public defense coordinator, three counties appoint attorneys from a list, and 21 counties contract with independent private attorneys or firms to provide public defense, or have a system combining both contracts and list appointments.

For an explanation of the methodology and data reporting procedures utilized for this report, see Appendix A. For a complete glossary of terms, see Appendix B.

- **Public defender agencies** are county government-based agencies.
- **Non-profit systems** involve the county contracting with a non-profit group or groups that are organized exclusively to provide public defense services.
- **Contract public defense systems** are systems in which the county enters into contracts with one or more private attorneys or firms to provide representation.
- **Public defense coordinators** are county employees or contractors hired to improve the overall quality of representation services and provide oversight and accountability for public defense contracts with individual private attorneys or firms.
- **List appointment systems** involve lists of private attorneys who have agreed to accept public defense cases and who are appointed by the court on a case-by-case basis.
- **Conflict appointments** of alternate attorneys are made by judges when the initially appointed public defense attorney is prohibited by ethics rules from representing an individual defendant, usually due to prior representation of another party in the case or when there are multiple defendants in the case.

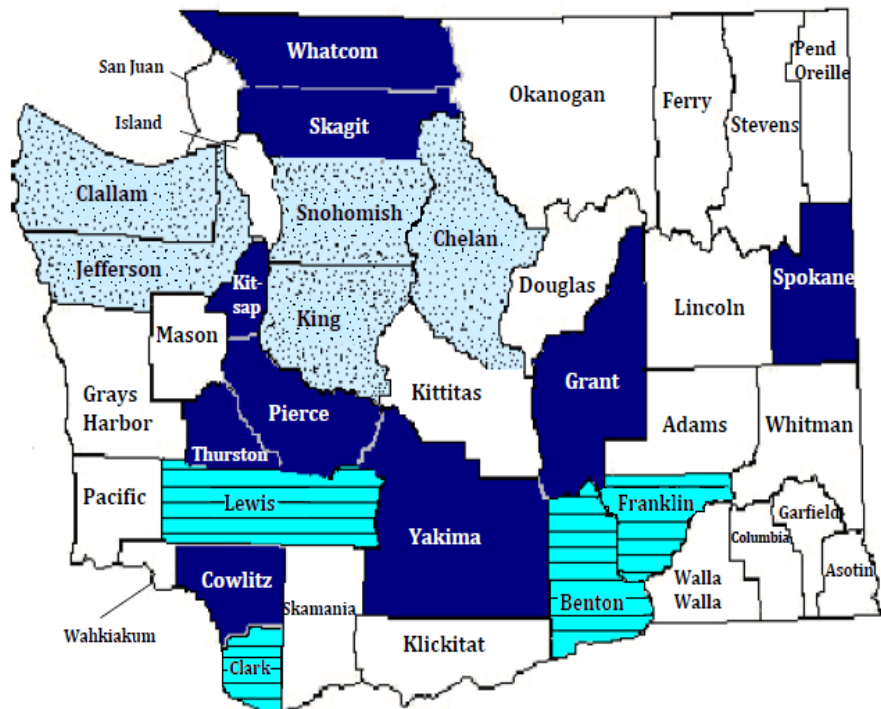
In 2005, public defense was provided by county public defender agencies in 6 counties, by contracts with non-profit offices in 4 counties, and through defense contracts or list appointment systems in 29 counties.

Provision of Public Defense in 2005



By 2010, changes made with state funding include new county public defender agencies in Cowlitz, Grant and Kitsap counties, a new non-profit public defender office in Chelan County, new public defense coordinators in Benton, Franklin, Clark, and Lewis counties, and the continuation of defense contracts or list appointment systems in 21 counties.

Provision of Public Defense in 2010



Navy – County government-based public defender agency
Blue Speckled – Contract with a non-profit public defense office
Turquoise Striped – Public defense coordinator
White – Public defense contracts or list appointments

ADAMS COUNTY

2009 population:	18,000
Percent below poverty level in 2008:	17.9%
2008 median household income:	\$40,967
2010 Chapter 10.101 RCW Distribution:	\$28,888

Adams County delivers public defense representation through a contract system. The county contracts with two law firms that handle most of the cases in Superior and District courts. Those law firms subcontract with other providers for overflow representation and for assumption of a specific portion of the required coverage.

2009 Statistics

Total adult criminal cases per 1,000 population	101.3
Amount spent for public defense	\$322,596
Amount spent per capita	\$17.92

Adult Felony

New adult superior court cases filed	201
New adult superior court cases per 1,000 population	11.2
Number of new cases assigned to counsel	172

Adult Misdemeanor

New county misdemeanor cases filed	1,016
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	1,623
Total new misdemeanor cases per 1,000 population	90.2
Number of new cases assigned to counsel by county	642

Juvenile Offender

New juvenile offender cases filed	51
New juvenile offender cases per 1,000 population	2.8
Number of new cases assigned to counsel	42

Adams County has adopted a public defense standards ordinance. The Adams County public defense contracts require annual attorney training.

In 2010 Adams County spent its state funding on increasing investigator, expert, and interpreter services for the public defense attorneys, increasing public defense attorney compensation, and providing public defense services at preliminary appearance calendars. The county plans to use its funds in 2011 to continue the improvements.

ASOTIN COUNTY

2009 population:	21,500
Percent below poverty level in 2008	16.3%
2008 median household income:	\$41,275
2010 Chapter 10.101 RCW Distribution:	\$29,557

Asotin County delivers public defense representation through a contract system. During 2010, virtually all of the contracted public defense services in Asotin County were handled by three attorneys with the exception of conflict cases, for which the court appoints separate counsel from a list.

2009 Statistics

Total adult criminal cases per 1,000 population	59.2
Amount spent for public defense	\$277,318
Amount spent per capita	\$12.90

Adult Felony

New adult superior court cases filed	190
New adult superior court cases per 1,000 population	8.8
Number of new cases assigned to counsel	194

Adult Misdemeanor

New county misdemeanor cases filed	471
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	1,082
Total new misdemeanor cases per 1,000 population	50.3
Number of new cases assigned to counsel by county	113

Juvenile Offender

New juvenile offender cases filed	101
New juvenile offender cases per 1,000 population	4.7
Number of new cases assigned to counsel	96

Asotin County has adopted a public defense standards ordinance. Asotin County public defense attorneys are required to attend training and report non-public defense attorney hours.

In 2010 Asotin County spent its state funding to continue to contract with an additional attorney to lower public defense caseloads, to add investigator, expert, and interpreter services, and to increase public defense attorney compensation. The county plans to use its state funds in 2011 to continue these improvements.

BENTON COUNTY

2009 population:	169,300
Percent below poverty level in 2008:	12.5%
2008 median household income:	\$56,458
2010 Chapter 10.101 RCW Distribution:	\$156,044

The bi-county Office of Public Defense (Benton County and Franklin County) employs an attorney coordinator overseeing the public defense program in both counties. Benton County provides indigent defense services with a “hybrid” model consisting of two county-employed staff attorneys and contract attorneys.

2009 Statistics

Total adult criminal cases per 1,000 population	67.5
Amount spent for public defense	\$2,859,961
Amount spent per capita	\$16.89

Adult Felony

New adult superior court cases filed	1,244
New adult superior court cases per 1,000 population	7.3
Number of new cases assigned to counsel	1,057

Adult Misdemeanor

New county misdemeanor cases filed	3,635
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	10,186
Total new misdemeanor cases per 1,000 population	60.2
Number of new cases assigned to counsel by county	4,510

Juvenile Offender

New juvenile offender cases filed	1,007
New juvenile offender cases per 1,000 population	5.9
Number of new cases assigned to counsel	912

Benton County has adopted a public defense standards ordinance. In addition, the Benton County public defense contracts require approved annual attorney training and reporting of non-public defense attorney hours.

In 2010 Benton County used its state funding to financially support the bi-county Office of Public Defense with an Indigent Defense Coordinator and provide public defense services at preliminary appearance calendars. The county plans to use its 2011 funds to continue the coordinator position, provide public defense services at preliminary appearance calendars, and to oversee new programs.

CHELAN COUNTY

2009 population:	72,600
Percent below poverty level in 2008:	12.0%
2008 median household income:	\$45,092
2010 Chapter 10.101 RCW Distribution:	\$78,180

Chelan County contracts with Counsel for Defense in Chelan County, a private nonprofit agency, to provide public defense services for Superior and District Court cases. The county contracts with private attorneys to handle conflict cases.

2009 Statistics

Total adult criminal cases per 1,000 population	62.1
Amount spent for public defense	\$1,756,862
Amount spent per capita	\$24.20

Adult Felony

New adult superior court cases filed	630
New adult superior court cases per 1,000 population	8.7
Number of new cases assigned to counsel	411

Adult Misdemeanor

New county misdemeanor cases filed	2,120
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	3,876
Total new misdemeanor cases per 1,000 population	53.4
Number of new cases assigned to counsel by county	735

Juvenile Offender

New juvenile offender cases filed	289
New juvenile offender cases per 1,000 population	4.0
Number of new cases assigned to counsel	230

Chelan County has adopted a public defense standards resolution, and is working on adopting an ordinance. The Chelan County public defense primary contract requires approved annual attorney training.

In 2010 Chelan County used its state funding to increase public defense attorney compensation and add investigator services. The county plans to use its state funds in 2011 to maintain prior improvements.

CLALLAM COUNTY

2009 population:	69,500
Percent below poverty level in 2008:	13.6%
2008 median household income:	\$47,537
2010 Chapter 10.101 RCW Distribution:	\$71,716

Clallam County contracts with the Clallam Public Defender, a private nonprofit corporation, for public defense representation. The Clallam Public Defender provides direct supervision of attorneys, in-house investigation services, and resolution of client complaints. The Clallam County courts appoint supplemental private investigators on a case-by-case basis. Conflict counsel is appointed by the courts from a list of private attorneys.

2009 Statistics

Total adult criminal cases per 1,000 population	49.2
Amount spent for public defense	\$1,367,111
Amount spent per capita	\$19.67

Adult Felony

New adult superior court cases filed	549
New adult superior court cases per 1,000 population	8.0
Number of new cases assigned to counsel	578

Adult Misdemeanor

New county misdemeanor cases filed	1,232
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	2,872
Total new misdemeanor cases per 1,000 population	41.3
Number of new cases assigned to counsel by county	621

Juvenile Offender

New juvenile offender cases filed	261
New juvenile offender cases per 1,000 population	3.8
Number of new cases assigned to counsel	230

Clallam County is in the process of adopting a public defense standards ordinance. The Clallam County public defense contract requires approved annual attorney training.

In 2010 Clallam County spent its state funding for additional attorneys to lower public defense caseloads. The county anticipates using its state funds in 2011 for the same purpose.

CLARK COUNTY

2009 population:	431,200
Percent below poverty level in 2008:	9.9%
2008 median household income:	\$59,194
2010 Chapter 10.101 RCW Distribution:	\$315,421

Clark County employs a professional indigent defense coordinator who oversees the public defense contracting system, administers contracts with private attorneys, and provides assistance to the contractors to improve the level of public defense services. The coordinator has worked with state OPD to implement best practices in the state's largest county that contracts with private counsel to provide public defense services.

2009 Statistics

Total adult criminal cases per 1,000 population	43.0
Amount spent for public defense	\$5,139,721
Amount spent per capita	\$11.92

Adult Felony

New adult superior court cases filed	2,111
New adult superior court cases per 1,000 population	4.9
Number of felony cases assigned to counsel	2,046

Adult Misdemeanor

New county misdemeanor cases filed	7,464
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	16,445
Total new misdemeanor cases per 1,000 population	38.1
Number of new cases assigned to counsel by county	3,357

Juvenile Offender

New juvenile offender cases filed	1,307
New juvenile offender cases per 1,000 population	3.0
Number of cases assigned to counsel	1,214

Clark County has adopted a public defense standards ordinance. In addition, the Clark County public defense contracts require approved annual attorney training and reporting of non-public defense attorney hours.

In 2010 Clark County used its state funding to continue the indigent defense coordinator position, including one support staff, to fund an FTE attorney in District Court, and to maintain investigator funding. The county plans to use its state funds in 2011 to continue these improvements.

COLUMBIA COUNTY

2009 population:	4,100
Percent below poverty level in 2008:	14.4%
2008 median household income:	\$41,194
2010 Chapter 10.101 RCW Distribution:	\$12,859

Columbia County delivers public defense services through a contract system. During 2010, the county contracted with two private attorneys for public defense representation. Each contract specified that the attorney is responsible for 50 percent of all case types assigned, paid on a monthly basis. The courts appoint attorneys from a list for conflict cases.

2009 Statistics

Total adult criminal cases per 1,000 population	45.4
Amount spent on public defense	\$112,671
Amount spent per capita	\$27.48

Adult Felony

New adult superior court cases filed	38
New adult superior court cases per 1,000 population	9.3
Number of new cases assigned to counsel	30

Adult Misdemeanor

New county misdemeanor cases filed	92
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	148
Total new misdemeanor cases per 1,000 population	36.1
Number of new cases assigned to counsel by county	90

Juvenile Offender

New juvenile offender cases filed	39
New juvenile offender cases per 1,000 population	9.5
Number of new cases assigned to counsel	31

Columbia County has a public defense standards ordinance. The Columbia County public defense contracts require approved annual attorney training and reporting of non-public defense attorney hours.

In 2010 Columbia County spent its state funding to increase public defense attorney compensation and provide attorneys access to a county facility to handle indigent defense business. The county intends to use its state funds in 2011 to maintain these improvements.

COWLITZ COUNTY

2009 population:	99,600
Percent below poverty level in 2008:	14.8%
2008 median household income:	\$47,832
2010 Chapter 10.101 RCW Distribution:	\$137,298

Cowlitz County operates a county government-based public defender agency that uses a mixed system of contracts and county public defense attorneys. The Cowlitz County Office of Public Defense provides representation to indigent clients in felony, misdemeanor and juvenile matters.

2009 Statistics

Total adult criminal cases per 1,000 population	80.6
Amount spent for public defense	\$1,927,041
Amount spent per capita	\$19.35

Adult Felony

New adult superior court cases filed	1,379
New adult superior court cases per 1,000 population	13.8
Number of new cases assigned to counsel	1,204

Adult Misdemeanor

New county misdemeanor cases filed	2,697
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	6,652
Total new misdemeanor cases per 1,000 population	66.8
Number of new cases assigned to counsel by county	1,263

Juvenile Offender

New juvenile offender cases filed	470
New juvenile offender cases per 1,000 population	4.7
Number of new cases assigned to counsel	371

Cowlitz County has adopted a public defense standards ordinance. In addition, the Cowlitz County public defense contracts require approved annual attorney training and reporting of non-public defense attorney hours.

In 2010 Cowlitz County used its state funding to maintain and expand the county Office of Public Defense, add attorneys to lower public defense caseloads, increase public defense attorney compensation, provide public defense services at preliminary appearance calendars, provide expert and investigator services, provide interpreter services for attorney-client interviews and other necessary communications. The county plans to use its state funds in 2011 to maintain these improvements.

DOUGLAS COUNTY

2009 population:	37,600
Percent below poverty level in 2008:	13.1%
2008 median household income:	\$50,370
2010 Chapter 10.101 RCW Distribution:	\$0

Douglas County did not participate in the Chapter 10.101 RCW funding application process. Accordingly, financial data and information relating to the amount spent for public defense services or the number and percentage of new cases assigned to counsel was not available. The number of new cases filed is derived from the Washington State Administrative Office of the Courts (AOC) caseload report.

2009 Statistics

Total adult criminal cases per 1,000 population	58.1
Amount spent for public defense	
Amount spent per capita	

Adult Felony

New adult superior court cases filed	236
New adult superior court cases per 1,000 population	6.3
Number of new cases assigned to counsel	

Adult Misdemeanor

New county misdemeanor cases filed	889
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	1,948
Total new misdemeanor cases per 1,000 population	51.8
Number of new cases assigned to counsel by county	

Juvenile Offender

New juvenile offender cases filed	208
New juvenile offender cases per 1,000 population	5.5
Number of new cases assigned to counsel	

FERRY COUNTY

2009 population:	7,800
Percent below poverty level in 2008:	20.9%
2008 median household income:	\$34,993
2010 Chapter 10.101 RCW Distribution:	\$14,447

Ferry County administers public defense representation through a contract system. Ferry County contracts with two private attorneys. The court appoints conflict counsel from a list.

2009 Statistics

Total adult criminal cases per 1,000 population	28.2
Amount spent for public defense	\$92,015
Amount spent per capita	\$11.80

Adult Felony

New adult superior court cases filed	40
New adult superior court cases per 1,000 population	5.1
Number of new cases assigned to counsel	39

Adult Misdemeanor

New county misdemeanor cases filed	140
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	180
Total new misdemeanor cases per 1,000 population	23.1
Number of new cases assigned to counsel by county	109

Juvenile Offender

New juvenile offender cases filed	14
New juvenile offender cases per 1,000 population	1.8
Number of new cases assigned to counsel	7

Ferry County has adopted a public defense standards ordinance. The Ferry County public defense contracts require approved annual attorney training and reporting of non-public defense attorney hours.

In 2010 Ferry County spent its state funding for contracts to provide defense counsel at preliminary hearings. The county intends to use its state funds in 2011 to maintain these improvements.

FRANKLIN COUNTY

2009 population:	72,700
Percent below poverty level in 2008:	17.4%
2008 median household income:	\$46,681
2010 Chapter 10.101 RCW Distribution:	\$67,348

Franklin County provides public defense representation through a contract system coordinated and monitored by a bi-county (with Benton County) indigent defense coordinator. The program also oversees a roster-based investigative services program.

2009 Statistics

Total adult criminal cases per 1,000 population	61.7
Amount spent for public defense	\$1,111,030
Amount spent per capita	\$15.28

Adult Felony

New adult superior court cases filed	462
New adult superior court cases per 1,000 population	6.4
Number of new cases assigned to counsel	305

Adult Misdemeanor

New county misdemeanor cases filed	1,446
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	4,021
Total new misdemeanor cases per 1,000 population	55.3
Number of new cases assigned to counsel by county	658

Juvenile Offender

New juvenile offender cases filed	414
New juvenile offender cases per 1,000 population	5.7
Number of new cases assigned to counsel	391

Franklin County has adopted a public defense standards ordinance. In addition, the Franklin County public defense contracts require approved annual attorney training and reporting of non-public defense attorney hours.

In 2010 Franklin County used its state funding to financially support the bi-county Office of Public Defense with an Indigent Defense Coordinator and an office manager. The county plans to use its 2011 funds to continue the coordinator position, add public defense services at first appearance District Court in-custody arraignments, and to oversee other new programs.

GARFIELD COUNTY

2009 population:	2,250
Percent below poverty level in 2008:	14.1%
2008 median household income:	\$40,351
2010 Chapter 10.101 RCW Distribution:	\$11,288

Garfield County provides public defense representation through a contract with one attorney who is responsible for 100 percent of the cases in all of the county courts except conflict cases. The court uses a list of attorneys for appointment in conflict cases at an hourly rate of \$75.

2009 Statistics

Total adult criminal cases per 1,000 population	85.3
Amount spent for public defense	\$29,372
Amount spent per capita	\$13.05

Adult Felony

New adult superior court cases filed	25
New adult superior court cases per 1,000 population	11.1
Number of new cases assigned to counsel	11

Adult Misdemeanor

New county misdemeanor cases filed	167
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	167
Total new misdemeanor cases per 1,000 population	74.2
Number of new cases assigned to counsel by county	12

Juvenile Offender

New juvenile offender cases filed	6
New juvenile offender cases per 1,000 population	2.7
Number of new cases assigned to counsel	1

Garfield County has adopted a public defense standards ordinance. The Garfield County public defense contract requires approved annual attorney training and reporting of non-public defense attorney hours.

In 2010 Garfield County spent its state funding to increase defense attorneys' compensation, adding more conflict attorneys, providing public defense services at preliminary appearance calendars, adding expert services, adding investigator services, and providing interpreter services for attorney-client interviews and other necessary communications. The county plans to use its state funds in 2011 to maintain these improvements.

GRANT COUNTY

2009 population:	86,100
Percent below poverty level in 2008:	16.1%
2008 median household income:	\$43,809
2010 Chapter 10.101 RCW Distribution:	\$86,351

Grant County has a county government-based agency with oversight responsibilities for felony indigent defense services. The felony program has staff public defense attorneys and contracts with private attorneys. Grant County contracts with private attorneys for district court and juvenile court indigent defense services.

2009 Statistics

Total adult criminal cases per 1,000 population	78.9
Amount spent for public defense	\$2,576,294
Amount spent per capita	\$29.92

Adult Felony

New adult superior court cases filed	674
New adult superior court cases per 1,000 population	7.8
Number of new cases assigned to counsel	638

Adult Misdemeanor

New county misdemeanor cases filed	6,117
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	6,117
Total new misdemeanor cases per 1,000 population	71.0
Number of new cases assigned to counsel by county	3,979

Juvenile Offender

New juvenile offender cases filed	372
New juvenile offender cases per 1,000 population	4.3
Number of new cases assigned to counsel	370

Grant County has adopted a public defense standards ordinance and the Grant County public defense contracts require approved annual attorney training and reporting of non-public defense attorney hours.

In 2010 Grant County spent its state funding to assist in opening the Grant County Department of Public Defense, a county agency with oversight responsibilities for felony indigent defense services, providing investigative services, and providing training. The county plans to use its state funds in 2011 to maintain the improvements implemented in 2010.

GRAYS HARBOR COUNTY

2009 population:	71,200
Percent below poverty level in 2008:	15.9%
2008 median household income:	\$41,787
2010 Chapter 10.101 RCW Distribution:	\$72,839

Grays Harbor County delivers public defense representation through a contract system with 20 attorneys who handle adult felony cases, two attorneys who handle juvenile offender cases, and six who handle District Court cases.

2009 Statistics

Total adult criminal cases per 1,000 population	96.4
Amount spent for public defense	\$920,459
Amount spent per capita	\$12.93

Adult Felony

New adult superior court cases filed	556
New adult superior court cases per 1,000 population	7.8
Number of new cases assigned to counsel	556

Adult Misdemeanor

New county misdemeanor cases filed	2,503
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	6,305
Total new misdemeanor cases per 1,000 population	88.6
Number of new cases assigned to counsel by county	2,503

Juvenile Offender

New juvenile offender cases filed	209
New juvenile offender cases per 1,000 population	2.9
Number of new cases assigned to counsel	209

Grays Harbor County has a public defense standards resolution. The Grays Harbor contracts require attorneys to attend approved annual attorney training and report non-public defense attorney hours.

In 2010 Grays Harbor County spent its state funding on increasing compensation for public defense attorneys, providing public defense services at preliminary appearance calendars, providing investigator and expert services, and providing interpreter services for attorney-client interviews and other necessary communications. The county plans to use its state funds in 2011 to maintain these improvements.

ISLAND COUNTY

2009 population:	80,300
Percent below poverty level in 2008:	8.2%
2008 median household income:	\$56,370
2010 Chapter 10.101 RCW Distribution:	\$58,437

Island County delivers public defense representation through a mixed system, contracting with a single private law firm to provide virtually all criminal defense services and using list appointments for conflict and other specific case types. Conflict and other appointments are compensated according to a published county public defense fee schedule.

2009 Statistics

Total adult criminal cases per 1,000 population	31.0
Amount spent for public defense	\$673,401
Amount spent per capita	\$8.39

Adult Felony

New adult superior court cases filed	278
New adult superior court cases per 1,000 population	3.5
Number of new cases assigned to counsel	237

Adult Misdemeanor

New county misdemeanor cases filed	1,464
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	2,209
Total new misdemeanor cases per 1,000 population	27.5
Number of new cases assigned to counsel by county	607

Juvenile Offender

Juvenile offender cases filed	168
Juvenile offender cases per 1,000 population	2.1
Number of new cases assigned to counsel	170

Island County has adopted a public defense standards ordinance, and the primary public defense contract requires approved annual attorney training and reporting of non-public defense attorney hours.

In 2010 Island County spent its state funding to provide defense counsel at preliminary appearance calendars and provide investigator services. The county plans to use its state funds in 2011 to continue the 2010 improvements.

JEFFERSON COUNTY

2009 population:	29,000
Percent below poverty level in 2008:	12.4%
2008 median household income:	\$50,463
2010 Chapter 10.101 RCW Distribution:	\$34,520

Jefferson County contracts with Jefferson Associated Counsel, a private nonprofit corporation, for all public defense representation. The office director provides direct supervision for the attorneys and is responsible for handling client complaints. Some investigative services are provided by support staff; the balance is provided by private investigators appointed by the court on a case-by-case basis. The court appoints conflict counsel from a list of private attorneys.

2009 Statistics

Total adult criminal cases per 1,000 population	54.6
Amount spent for public defense	\$668,392
Amount spent per capita	\$23.05

Adult Felony

New adult superior court cases filed	221
New adult superior court cases per 1,000 population	7.6
Number of new cases assigned to counsel	370

Adult Misdemeanor

New county misdemeanor cases filed	1,095
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	1,362
Total new misdemeanor cases per 1,000 population	47.0
Number of new cases assigned to counsel by county	599

Juvenile Offender

New juvenile offender cases filed	71
New juvenile offender cases per 1,000 population	2.4
Number of new cases assigned to counsel	176

Jefferson County has adopted a public defense standards ordinance. The Jefferson County public defense contract requires approved annual attorney training.

In 2010 Jefferson County spent its state funding to add attorneys to reduce public defense caseloads, increase public defense attorney compensation, and hire a public defense investigator. The county plans to use its state funds in 2011 to maintain these improvements.

KING COUNTY

2009 population:	1,909,300
Percent below poverty level in 2008:	9.2%
2008 median household income:	\$70,091
2010 Chapter 10.101 RCW Distribution:	\$1,192,566

King County administers public defense representation through the King County Office of the Public Defender, a county agency that contracts for direct client services with four nonprofit public defense agencies to provide 90 percent of public defense services: Associated Counsel for the Accused (ACA), Society of Counsel Representing Accused Persons (SCRAP), The Defender Association (TDA) and Northwest Defender Association (NDA). Ten percent of public defense services (for conflict cases) are provided through an assigned counsel panel composed of private attorneys accepting assignments on an hourly basis.

The King County Office of the Public Defender provides funding for the nonprofit agencies, including salaries and benefits for attorneys, supervisors, professional and clerical support staff, investigators, social workers and paralegals, administrative overhead including equipment and operational costs; rent allocations; and calendar costs per specific court calendar assignments. The contracted nonprofits are budgeted for attorney salaries, exclusive of benefits, at parity with the King County Prosecuting Attorney Office employees. Experts and other extraordinary case-related expenses not included in the contracts are paid by the county upon written request to the Office of the Public Defender.

2009 Statistics

Total adult criminal cases per 1,000 population	41.6
Amount spent for public defense	\$33,925,030
Amount spent per capita	\$17.77

Adult Felony

New adult superior court cases filed	6,659
New adult superior court cases per 1,000 population	3.5
Number of new cases assigned to counsel	6,472

Adult Misdemeanor

New county misdemeanor cases filed	15,042
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	72,727
Total new misdemeanor cases per 1,000 population	38.1
Number of new cases assigned to counsel by county	7,361

Juvenile Offender

New juvenile offender cases filed	3,969
New juvenile offender cases per 1,000 population	2.1
Number of new cases assigned to counsel	3,918

The King County Council has adopted an ordinance, which sets compensation and caseload standards for contract public defenders. In addition, the King County public defense contracts require approved attorney training. Entities that contract with the King County Office of the Public Defender must be nonprofit corporations established solely for the purpose of providing public defense services.

In 2010 King County spent its state funding for a program manager to oversee contracts with attorneys providing public defense, improve quality control and to initiate and provide public defense training programs. Funding was also used to add attorneys to reduce public defense juvenile offender caseloads, and increase conflict counsel compensation. The county plans to use its state funds in 2011 to continue these efforts.

KITSAP COUNTY

2009 population:	247,600
Percent below poverty level in 2008:	10.1%
2008 median household income:	\$59,611
2010 Chapter 10.101 RCW Distribution:	\$216,105

Kitsap County has a county government-based public defense agency with in-house public defense attorneys and a supervisor that oversees contracts with private public defense attorneys.

2009 Statistics

Total adult criminal cases per 1,000 population	47.7
Amount spent for public defense	\$3,371,280
Amount spent per capita	\$13.62

Adult Felony

New adult superior court cases filed	1,695
New adult superior court cases per 1,000 population	6.8
Number of new cases assigned to counsel	1,537

Adult Misdemeanor

New county misdemeanor cases filed	5,606
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	10,118
Total new misdemeanor cases per 1,000 population	40.9
Number of new cases assigned to counsel by county	2,528

Juvenile Offender

Juvenile offender cases filed	912
Juvenile offender cases per 1,000 population	3.7
Number of new cases assigned to counsel	764

Kitsap County has adopted a public defense standards resolution and a pay-parity resolution for attorneys and staff employed by the new county public defense agency. Kitsap County is in the process of adopting a public defense standards ordinance. Kitsap County public defense contracts with private attorneys require approved annual attorney training and reporting of non-public defense attorney hours.

In 2010 Kitsap County spent its state funding to help create a new Public Defense Division within the court clerk's office, to hire a Public Defense Division Supervisor to supervise public defense employees and oversee contracts with private attorneys providing public defense, to increase attorney compensation, and to provide investigation services. The county plans to use its state funds in 2011 to continue these enhancements.

KITTITAS COUNTY

2009 population:	39,900
Percent below poverty level in 2008:	17.0%
2008 median household income:	\$45,274
2010 Chapter 10.101 RCW Distribution:	\$46,713

Kittitas County delivers public defense representation solely through list appointment for Kittitas County Superior Court and Upper Kittitas District Court. Contracts are utilized in extraordinary circumstances such as specific serious felonies. Appointed attorneys are paid at a published rate per case unless otherwise authorized. For Lower Kittitas District Court, one attorney contracts for all indigent defense cases.

2009 Statistics

Total adult criminal cases per 1,000 population	94.9
Amount spent for public defense	\$593,331
Amount spent per capita	\$14.87

Adult Felony

New adult superior court cases filed	343
New adult superior court cases per 1,000 population	8.6
Number of new cases assigned to counsel	177

Adult Misdemeanor

New county misdemeanor cases filed	3,215
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	3,442
Total new misdemeanor cases per 1,000 population	86.3
Number of new cases assigned to counsel by county	925

Juvenile Offender

New juvenile offender cases filed	113
New juvenile offender cases per 1,000 population	2.8
Number of new cases assigned to counsel	115

Kittitas County has adopted a public defense standards ordinance. The Lower Kittitas County District Court public defense contract requires approved training for attorneys and reporting of non-public defense hours. The other public defense appointments are made on a case-by-case basis from a list of private attorneys and subject to a published schedule of compensation.

In 2010 Kittitas County spent its state funding to increase attorney compensation, provide public defense representation at the Upper Kittitas County District Court arraignment calendar, provide investigator services, provide expert services and provide interpreter services for attorney-client interviews and other necessary communications. The county plans to use its state funds in 2011 to maintain these improvements.

Klickitat County

2009 population:	20,200
Percent below poverty level in 2008:	16.8%
2008 median household income:	\$40,953
2010 Chapter 10.101 RCW Distribution:	\$29,885

Klickitat County administers public defense representation using one contract signed by three private attorneys for all Superior Court matters. The contract specifies that the three attorneys will provide 100 percent of indigent defense services in adult felony, juvenile offender, and other juvenile cases. Conflict attorneys are appointed from a list.

The county administers two District Court sites; defense services in each court are handled through list appointment by the court.

2009 Statistics

Total adult criminal cases per 1,000 population	64.5
Amount spent for public defense	\$236,897
Amount spent per capita	\$11.73

Adult Felony

New adult superior court cases filed	203
New adult superior court cases per 1,000 population	10.0
Number of new cases assigned to counsel	N/A ¹⁷

Adult Misdemeanor

New county misdemeanor cases filed	639
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	1,099
Total new misdemeanor cases per 1,000 population	54.4
Number of new cases assigned to counsel by county	374

Juvenile Offender

New juvenile offender cases filed	66
New juvenile offender cases per 1,000 population	3.3
Number of new cases assigned to counsel	N/A ¹⁸

Klickitat County has adopted a public defense standards ordinance. The Klickitat County public defense contract requires approved annual attorney training and reporting of non-public defense attorney hours.

Klickitat County used its state funds in 2010 to increase public defense attorney compensation, and add expert and investigator services.

¹⁷ Unable to determine number of cases assigned.

¹⁸ Unable to determine number of cases assigned.

LEWIS COUNTY

2009 population:	75,200
Percent below poverty level in 2008:	13.4%
2008 median household income:	\$42,947
2010 Chapter 10.101 RCW Distribution:	\$86,453

Lewis County administers public defense representation through a public defense contract system. The county contracts with numerous private attorneys for specific case types with some attorneys accepting more than one case type. The county also contracts with one attorney to represent clients at daily initial appearances as well as provide quality oversight for the other contracts.

2009 Statistics

Total adult criminal cases per 1,000 population	65.3
Amount spent for public defense	\$1,507,101
Amount spent per capita	\$20.04

Adult Felony

New adult superior court cases filed:	742
New adult superior court cases per 1,000 population	9.9
Number of new cases assigned to counsel	863

Adult Misdemeanor

New county misdemeanor cases filed	2,150
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	4,169
Total new misdemeanor cases per 1,000 population	55.4
Number of new cases assigned to counsel by county	1,458

Juvenile Offender

New juvenile offender cases filed	297
New juvenile offender cases per 1,000 population	3.9
Number of new cases assigned to counsel	335

Lewis County has adopted a public defense standards ordinance. Lewis County public defense contracts require approved annual attorney training and reporting of non-public defense attorney hours.

In 2010 Lewis County spent its state funding to contract with an attorney coordinator to provide counsel at daily initial appearances as well as exercise quality oversight of other public defense contracts with private attorneys. The county plans to use its state funds in 2011 to continue these improvements.

LINCOLN COUNTY

2009 population:	10,450
Percent below poverty level in 2008:	12.9%
2008 median household income:	\$45,920
2010 Chapter 10.101 RCW Distribution:	\$18,987

Lincoln County administers public defense representation using a mixed system. Public defense representation for adult misdemeanors is handled through a contract with one attorney. Counsel is provided through list appointment for conflict cases, adult felony, juvenile offender, and all other Superior Court case types.

2009 Statistics

Total adult criminal cases per 1,000 population	72.1
Amount spent for public defense	\$153,567
Amount spent per capita	\$14.70

Adult Felony

New adult superior court cases filed	94
New adult superior court cases per 1,000 population	9.0
Number of new cases assigned to counsel	65

Adult Misdemeanor

New county misdemeanor cases filed	659
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	659
Total new misdemeanor cases per 1,000 population	63.1
Number of new cases assigned to counsel by county	403

Juvenile Offender

New juvenile offender cases filed	13
New juvenile offender cases per 1,000 population	1.2
Number of new cases assigned to counsel	17

Lincoln County has adopted a public defense standards ordinance. The Lincoln County public defense contract requires approved annual attorney training.

In 2010 Lincoln County spent its state funding to add attorneys to reduce public defense caseloads, provide public defense services at preliminary appearance calendars, provide interpreter services for attorney-client interviews and other communications, and add investigative and expert services. The county plans to use its state funds in 2011 for these purposes as well as increasing public defense attorney compensation.

MASON COUNTY

2009 population:	56,800 ¹⁹
Percent below poverty level in 2008:	14.2%
2008 median household income:	\$50,356
2010 Chapter 10.101 RCW Distribution:	\$62,761

Mason County delivers public defense representation through a contract system. Two private attorneys contract for Superior Court indigent defense for up to 150 felony cases each per year. Two juvenile offender contracts provide that each attorney may accept no more than 250 cases per year. Two private attorneys contract to provide representation in District Court cases. Conflict counsel is appointed from a list of qualified attorneys.

2009 Statistics

Total adult criminal cases per 1,000 population	63.9
Amount spent for public defense	\$488,925
Amount spent per capita	\$8.61

Adult Felony

New adult superior court cases filed	488
New adult superior court cases per 1,000 population	8.6
Number of new cases assigned to counsel	268

Adult Misdemeanor

New county misdemeanor cases file	2,376
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	3,140
Total new misdemeanor cases per 1,000 population	55.3
Number of new cases assigned to counsel by county	1,001

Juvenile Offender

New juvenile offender cases filed	196
New juvenile offender cases per 1,000 population	3.5
Number of new cases assigned to counsel	184

Mason County has adopted a public defense standards ordinance. The Mason County public defense contracts require approved annual training and require attorneys to report non-public defense attorney hours.

In 2010 Mason County spent its state funding adding attorneys to reduce public defense caseloads, adding expert and investigator services, adding interpreter services for attorney-client interviews and other necessary communications, and increasing compensation for public defense attorneys. The county plans to use its state funds in 2011 to create a county or regional public defense agency or provide an attorney coordinator to oversee contracts with attorneys providing public defense.

¹⁹ Mason County's population increases substantially during the weekends in the summer months due to vacation residences on the water and use of State and National Parks.

OKANOGAN COUNTY

2009 population:	40,500
Percent below poverty level in 2008:	19.6%
2008 median household income:	\$37,900
2010 Chapter 10.101 RCW Distribution:	\$48,438

Okanogan County delivers public defense representation through a contract system with one primary law firm for coverage of indigent defense cases in the county. The contract includes four subcontractors that accept conflict cases.

2009 Statistics

Total adult criminal cases per 1,000 population	62.8
Amount spent for public defense	\$1,007,428
Amount spent per capita	\$24.87

Adult Felony

New adult superior court cases filed	366
New adult superior court cases per 1,000 population	9.0
Number of new cases assigned to counsel	329

Adult Misdemeanor

New county misdemeanor cases filed	2,178
Total new district or municipal court misdemeanor cases filed in county (see Glossary)	2,179
Total new misdemeanor cases per 1,000 population	53.8
Number of new cases assigned to counsel by county	1,278

Juvenile Offender

New juvenile offender cases filed	264
New juvenile offender cases per 1,000 population	6.5
Number of new cases assigned to counsel	267

Okanogan County has adopted a public defense standards ordinance. The Okanogan County public defense contract requires approved annual attorney training and reporting of non-public defense attorney hours.

In 2010 Okanogan County spent its state funding to add attorneys for conflict cases and add investigator services. The county plans to use its state funds in 2011 to continue this improvement.

PACIFIC COUNTY

2009 population:	21,800
Percent below poverty level in 2008:	16.3%
2008 median household income:	\$38,060
2010 Chapter 10.101 RCW Distribution:	\$30,516

Pacific County provides indigent defense representation through a contract system. Private attorneys contract for a percentage of cases or types of cases at each court level. The county also provides indigent defense representation by list appointment.

2009 Statistics

Total adult criminal cases per 1,000 population	90.9
Amount spent for public defense	\$367,888
Amount spent per capita	\$16.88

Adult Felony

New adult superior court cases filed	203
New adult superior court cases per 1,000 population	9.3
Number of new cases assigned to counsel	189

Adult Misdemeanor

New county misdemeanor cases filed	1,235
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	1,778
Total new misdemeanor cases per 1,000 population	81.6
Number of new cases assigned to counsel by county	551

Juvenile Offender

New juvenile offender cases filed	100
New juvenile offender cases per 1,000 population	4.6
Number of new cases assigned to counsel	98

Pacific County has adopted a public defense standards ordinance. Pacific County public defense contracts require approved annual attorney training and reporting of non-public defense attorney hours.

In 2010 Pacific County spent its state funding to increase compensation for contract public defense attorneys, add attorneys to reduce public defense caseloads, and add investigator and expert services. The county plans to use its state funds in 2011 to continue these improvements.

PEND OREILLE COUNTY

2009 population:	12,900
Percent below poverty level in 2008:	18.8%
2008 median household income:	\$38,939
2010 Chapter 10.101 RCW Distribution:	\$19,306

Pend Oreille County provides public defense representation through a contract with three associated private attorneys handling 100 percent of the caseload except conflicts. Conflict attorneys are appointed from a list.

2009 Statistics

Total adult criminal cases per 1,000 population	50.8
Amount spent for public defense	\$186,780
Amount spent per capita	\$14.48

Adult Felonies

New adult superior court cases filed	84
New adult superior court cases per 1,000 population	6.5
Number of new cases assigned to counsel	77

Adult Misdemeanors

New county misdemeanor cases filed	405
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	571
Total new misdemeanor cases per 1,000 population	44.3
Number of new cases assigned to counsel by county	529

Juvenile Offender

New juvenile offender cases filed	18
New juvenile offender cases per 1,000 population	1.4
Number of new cases assigned to counsel	16

Pend Oreille County has adopted a public defense standards ordinance. The county public defense contracts require approved annual attorney training and reporting of non-public defense attorney hours.

In 2010 Pend Oreille County spent its state funding to provide counsel at preliminary hearings and increase public defense attorney compensation. The county plans to use its state funds in 2011 to continue these improvements.

PIERCE COUNTY

2009 population:	813,600
Percent below poverty level in 2008:	11.3%
2008 median household income:	\$58,133
2010 Chapter 10.101 RCW Distribution:	\$707,460

Pierce County provides public defense representation through a county government-based agency, the Department of Assigned Counsel (DAC). DAC employees receive salary and benefits in parity with the Pierce County Prosecuting Attorney Office employees. DAC maintains felony, misdemeanor and juvenile divisions and others related to civil practice areas, each supervised by a senior attorney. These supervisors, along with DAC's director and chief deputy, provide supervision and oversight of staff attorneys and are responsible for resolving client complaints. The agency contracts with outside attorneys for conflict counsel and provides investigative services through a panel of pre-approved investigators.

2009 Statistics

Total adult criminal cases per 1,000 population	56.7
Amount spent for public defense	\$14,911,889
Amount spent per capita	\$18.33

Adult Felony

New adult superior court cases filed	5,839
New adult superior court cases per 1,000 population	7.2
Number of new cases assigned to counsel	4,896

Adult Misdemeanor

New county misdemeanor cases filed	15,075
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	40,326
Total new misdemeanor cases per 1,000 population	49.6
Number of new cases assigned to counsel by county	5,819

Juvenile Offender

New juvenile offender cases filed	2,149
New juvenile offender cases per 1,000 population	2.6
Number of new cases assigned to counsel	1,875

Pierce County has adopted a public defense standards ordinance. In addition, the Pierce County DAC requires approved annual attorney training, and public defense conflict contracts require approved training and reporting of non-public defense hours.

In 2010 Pierce County spent its state funding to increase public defense attorney compensation and maintain positions created in 2007 and 2008. The county plans to use its state funds in 2011 to maintain these positions and compensation increases.

SAN JUAN COUNTY

2009 population:	16,300
Percent below poverty level in 2008:	8.9%
2008 median household income:	\$55,898
2010 Chapter 10.101 RCW Distribution:	\$17,864

San Juan County delivers public defense representation through a contract with one law firm for adult representation in Superior and District courts and a contract with one private attorney for juvenile representation. The contracts use a case weighting system. Conflict attorneys are appointed from a list and paid according to a published fee schedule.

2009 Statistics

Total adult criminal cases per 1,000 population	22.6
Amount spent for public defense	\$241,055
Amount spent per capita	\$14.79

Adult Felony

New adult superior court cases filed	41
New adult superior court cases per 1,000 population	2.5
Number of new cases assigned to counsel	94

Adult Misdemeanor

New county misdemeanor cases filed	327
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	327
Total new misdemeanor cases per 1,000 population	20.1
Number of new cases assigned to counsel by county	254

Juvenile Offender

New juvenile offender cases filed	34
New juvenile offender cases per 1,000 population	2.1
Number of new cases assigned to counsel	31

San Juan County has adopted a public defense standards ordinance. The San Juan County public defense contracts require approved annual attorney training and reporting of non-public defense attorney hours.

In 2010 San Juan County spent its state funding to increase public defense attorney compensation, add attorneys to reduce public defense caseloads, provide public defense services at preliminary appearance calendars, and for investigator services. The county plans to use its state funds in 2011 to hire an attorney coordinator, and to continue improved compensation and investigator services.

SKAGIT COUNTY

2009 population:	118,900
Percent below poverty level in 2008:	11.4%
2008 median household income:	\$53,510
2010 Chapter 10.101 RCW Distribution:	\$124,846

Skagit County delivers public defense representation through the Skagit County Public Defender, a county government-based agency. The agency's director and chief deputy are responsible for supervision of staff attorneys and resolution of client complaints. Investigative services are provided in-house. Skagit County also contracts with private law firms for mental health, involuntary commitment, and District Court additional public defense representation.

2009 Statistics

Total adult criminal cases per 1,000 population	82.5
Amount spent on public defense	\$2,521,039
Amount spent per capita	\$21.20

Adult Felony

New adult superior court cases filed	1,069
New adult superior court cases per 1,000 population	9.0
Number of new cases assigned to counsel	1,019

Adult Misdemeanor

New county misdemeanor cases filed	4,503
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	8,739
Total new misdemeanor cases per 1,000 population	73.5
Number of new cases assigned to counsel by county	2,130

Juvenile Offender

New juvenile offender cases filed	591
New juvenile offender cases per 1,000 population	5.0
Number of new cases assigned to counsel	548

Skagit County has adopted a public defense standards ordinance. In addition, the Skagit County Public Defender agency requires approved annual attorney training.

In 2010 Skagit County spent its state funding to hire additional attorneys to reduce public defense caseloads, provide expert services, interpreter services for attorney-client interviews and communications, and a .5 FTE support staff position. The county plans to use its state funds in 2011 to continue these improvements.

SKAMANIA COUNTY

2009 population:	10,800
Percent below poverty level in 2008:	12.2%
2008 median household income:	\$51,331
2010 Chapter 10.101 RCW Distribution	\$18,866

Skamania County delivers Superior Court public defense representation through one contract with two private attorneys. A separate single contract with two different private attorneys also provides representation in District Court. When a conflict is identified, counsel is appointed from a list.

2009 Statistics

Total adult criminal cases per 1,000 population	85.5
Amount spent for public defense	\$86,940
Amount spent per capita	\$8.05

Adult Felony

New adult superior court cases filed	90
New adult superior court cases per 1,000 population	8.3
Number of new cases assigned to counsel	81

Adult Misdemeanor

New county misdemeanor cases filed	742
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	833
Total new misdemeanor cases per 1,000 population	77.1
Number of new cases assigned to counsel by county	46

Juvenile Offender

New juvenile offender cases filed	42
New juvenile offender cases per 1,000 population	3.9
Number of new cases assigned to counsel	38

Skamania County has adopted a public defense standards ordinance. The Skamania County public defense contracts require approved annual attorney training and reporting of non-public defense legal services hours.

In 2010 Skamania County spent its state funding to increase resources for defense investigation, interpreter and expert services. The county plans to use its state funds in 2011 to continue these improvements.

SNOHOMISH COUNTY

2009 population:	704,300
Percent below poverty level in 2008:	8.0%
2008 median household income:	\$66,706
2010 Chapter 10.101 RCW Distribution:	\$438,314

Snohomish County provides public defense representation in adult criminal cases in both Superior and District courts through a contract with the Snohomish County Public Defender Association (PDA), a private nonprofit corporation. PDA is managed by a director, an assistant director and a misdemeanor supervisor who are responsible for attorney supervision and resolution of client complaints. PDA provides investigative services in-house.

The county contracts with the PDA and one private law firm to handle juvenile offender cases. Conflict attorneys are appointed from a list.

2009 Statistics

Total adult criminal cases per 1,000 population	50.5
Amount spent for public defense	\$6,598,326
Amount spent per capita	\$9.37

Adult Felony

New adult superior court cases filed	2,346
New adult superior court cases per 1,000 population	3.3
Number of new cases assigned to counsel	1,960

Adult Misdemeanor

New county misdemeanor cases filed	11,362
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	33,185
Total new misdemeanor cases per 1,000 population	47.1
Number of new cases assigned to counsel by county	5,460

Juvenile Offender

New juvenile offender cases filed	1,902
New juvenile offender cases per 1,000 population	2.7
Number of new cases assigned to counsel	1,250

Snohomish County has adopted a public defense standards ordinance. In addition, the Snohomish County public defense contract requires approved annual attorney training.

In 2010 Snohomish County used its state funding to provide quality monitoring by an attorney coordinator, add attorneys to reduce public defense caseloads, increase attorney compensation, and provide public defense services at first appearance calendars. The county plans to use its state funds in 2011 to continue these improvements.

SPOKANE COUNTY

2009 population:	465,000
Percent below poverty level in 2008:	13.9%
2008 median household income:	\$48,269
2010 Chapter 10.101 RCW Distribution:	\$496,360

Spokane County provides public defense representation through two separate county government-based agencies, the Spokane County Public Defender and Counsel for Defense. The Spokane County Public Defender is the primary agency and handles Superior and District court cases; Counsel for Defense handles the majority of Superior Court conflict cases. Employees are compensated in parity with Spokane County Prosecuting Attorney Office employees. Each agency director is responsible for attorney supervision and resolution of client complaints. Both agencies provide investigative services in-house. The Spokane County Public Defender also contracts with eight private attorneys to handle Superior Court cases that present a conflict of interest for both agencies. Most District Court conflicts are handled through an inter-local agreement with the City of Spokane Public Defender.

2009 Statistics

Total adult criminal cases per 1,000 population	59.4
Amount spent for public defense	\$8,400,724
Amount spent per capita	\$18.07

Adult Felony

New adult superior court cases filed	4,701
New adult superior court cases per 1,000 population	10.1
Number of new cases assigned to counsel	3,332

Adult Misdemeanor

New county misdemeanor cases filed	8,017
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	22,907
Total new misdemeanor cases per 1,000 population	49.3
Number of new cases assigned counsel by county	7,802

Juvenile Offender

New juvenile offender cases filed	1,226
New juvenile offender cases per 1,000 population	2.6
Number of new cases assigned to counsel	840

Spokane County has adopted a public defense standards ordinance. The Spokane County public defense agencies require approved annual attorney training.

In 2010 Spokane County spent its state funding to add attorneys to provide public defense services at first appearance calendars. The county plans to use its state funds in 2011 to maintain these improvements.

STEVENS COUNTY

2009 population:	44,000
Percent below poverty level in 2008:	15.0%
2008 median household income:	\$44,513
2010 Chapter 10.101 RCW Distribution:	\$41,600

Stevens County provides public defense representation through numerous contracts with private attorneys to represent indigent clients in District, Superior and Juvenile courts. Conflict cases at all court levels are handled through list appointments.

2009 Statistics

Total adult criminal cases per 1,000 population	39.7
Amount spent for public defense	\$572,544
Amount spent per capita	\$13.01

Adult Felony

New adult superior court cases filed	239
New adult superior court cases per 1,000 population	5.4
Number of new cases assigned to counsel	266

Adult Misdemeanor

New county misdemeanor cases filed	974
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	1,507
Total new misdemeanor cases per 1,000 population	34.3
Number of new cases assigned to counsel by county	462

Juvenile Offender

New juvenile offender cases filed	126
New juvenile offender cases per 1,000 population	2.9
Number of new cases assigned to counsel	152

Stevens County has adopted a public defense standards ordinance. The Stevens County public defense contracts require approved annual attorney training and reporting of non-public defense attorney hours.

In 2010 Stevens County spent its state funding to provide counsel at preliminary hearings. The county intends to use its state funds in 2010 to continue these improvements.

THURSTON COUNTY

2009 population:	249,800
Percent below poverty level in 2008:	9.7%
2008 median household income:	\$62,146
2010 Chapter 10.101 RCW Distribution:	\$236,646

Thurston County provides public defense representation through the Thurston County Office of Assigned Counsel (OAC), a county government-based agency. OAC employees are compensated in parity with Thurston County Prosecuting Attorney Office employees. The county contracts with several private attorneys to assist one in-house attorney with juvenile offender cases. Overflow and conflict cases are appointed from a list and paid an hourly rate. OAC employs a director and two senior defense attorneys to assist in the supervision of staff and resolution of client complaints.

2009 Statistics

Total adult criminal cases per 1,000 population	48.9
Amount spent for public defense	\$2,887,635
Amount spent per capita	\$11.56

Adult Felony

New adult superior court cases filed	1,999
New adult superior court cases per 1,000 population	8.0
Number of new cases assigned to counsel	1,491

Adult Misdemeanor

New county misdemeanor cases filed	3,864
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	10,216
Total new misdemeanor cases per 1,000 population	40.9
Number of new cases assigned counsel by county	2,266

Juvenile Offender

New juvenile offender cases filed	1,066
New juvenile offender cases per 1,000 population	4.3
Number of new cases assigned to counsel	996

Thurston County has adopted a public defense standards ordinance. The Thurston County OAC requires approved annual training, and requires private attorneys who contract to provide public defense services to report all of their public defense contracts as well as hours billed for non-public defense legal services.

In 2010 Thurston County spent its state funding to maintain numeric caseload standards that were adopted in 2008. The county plans to use its state funds in 2011 to continue to maintain caseload standards.

WAHKIAKUM COUNTY

2009 population:	4,100
Percent below poverty level in 2008:	11.1%
2008 median household income:	\$47,458
2010 Chapter 10.101 RCW Distribution:	\$11,953

Wahkiakum County delivers public defense representation for all felony, misdemeanor, juvenile offender and probation violations solely through list appointment. Private attorneys on the court's list are not under contract although they have agreed to accept appointments and are compensated at an hourly rate.

2009 Statistics

Total adult criminal cases per 1,000 population	43.9
Amount spent for public defense	\$52,121
Amount spent per capita	\$12.71

Adult Felony

New adult superior court cases filed	24
New adult superior court cases per 1,000 population	5.9
Number of new cases assigned to counsel	31

Adult Misdemeanor

New county misdemeanor cases filed	156
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	156
Total new misdemeanor cases per 1,000 population	38.0
Number of new cases assigned to counsel by county	57

Juvenile Offender

New juvenile offender cases filed	11
New juvenile offender cases per 1,000 population	2.7
Number of new cases assigned to counsel	9

Wahkiakum County has adopted a public defense ordinance. Public defense attorneys are required to attend approved annual training.

In 2010 Wahkiakum County spent its state funding to increase public defense attorney compensation. The county plans to use its state funds in 2011 for this purpose as well.

WALLA WALLA COUNTY

2009 population:	59,200
Percent below poverty level in 2008:	17.7%
2008 median household income:	\$44,797
2010 Chapter 10.101 RCW Distribution:	\$59,048

Walla Walla County delivers public defense representation through a contract system. Eight private attorneys contract to provide indigent public defense services at all court levels.

2009 Statistics

Total adult criminal cases per 1,000 population	48.2
Amount spent for public defense	\$533,454
Amount spent per capita	\$9.01

Adult Felony

New adult superior court cases filed	416
New adult superior court cases per 1,000 population	7.0
Number of new cases assigned to counsel	341

Adult Misdemeanor

New county misdemeanor cases filed	2,051
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	2,435
Total new misdemeanor cases per 1,000 population	41.1
Number of new cases assigned to counsel by county	358

Juvenile Offender

New juvenile offender cases filed	236
New juvenile offender cases per 1,000 population	4.0
Number of new cases assigned to counsel	255

Walla Walla County has adopted a public defense standards resolution. The Walla Walla County public defense contracts require attorneys to agree to comply with the conditions of Chapter 10.101 RCW.

In 2010 Walla Walla County spent its state funding to increase public defense attorneys' compensation, provide public defense services at preliminary appearance calendars, provide investigator and expert services, and provide interpreter services for attorney-client interviews and other necessary communications. The county plans to use its state funds in 2011 to continue the improvements implemented in 2010.

WHATCOM COUNTY

2009 population:	193,100
Percent below poverty level in 2008:	14.3%
2008 median household income:	\$49,159
2010 Chapter 10.101 RCW Distribution:	\$186,526

Whatcom County provides public defense representation through the Whatcom County Public Defender, a county government-based agency. Public Defender employees are compensated in parity with the Whatcom County Prosecuting Attorney Office employees. The agency director is responsible for attorney supervision and the resolution of client complaints. The agency employs in-house investigative staff. Whatcom County also contracts with 13 private attorneys for conflict cases.

2009 Statistics

Total adult criminal cases per 1,000 population	61.3
Amount spent for public defense	\$4,056,039
Amount spent per capita	\$21.00

Adult Felony

New adult superior court cases filed	1,570
New adult superior court cases per 1,000 population	8.1
Number of new cases assigned to counsel	1,515

Adult Misdemeanor

New county misdemeanor cases filed	4,637
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	10,258
Total new misdemeanor cases per 1,000 population	53.1
Number of new cases assigned to counsel by county	2,525

Juvenile Offender

New juvenile offender cases filed	516
New juvenile offender cases per 1,000 population	2.7
Number of new cases assigned to counsel	521

Whatcom County has adopted a public defense standards ordinance. The county public defense agency requires approved annual attorney training.

In 2010 Whatcom County spent its state funding on additional defense attorneys to reduce caseloads, equipment, and training for attorney positions. The county plans to use its state funds in 2011 to maintain these improvements.

WHITMAN COUNTY

2009 population:	43,300
Percent below poverty level in 2008:	23.7%
2008 median household income:	\$39,691
2010 Chapter 10.101 RCW Distribution:	\$39,512

Whitman County delivers public defense representation through one primary contract with a private law firm and two private attorneys for all Superior, District and Juvenile court cases, including adult felony, adult misdemeanor, juvenile offender, and other specific case types.

2009 Statistics

Total adult criminal cases per 1,000 population	57.0
Amount spent for public defense	\$299,975
Amount spent per capita	\$6.93

Adult Felony

New adult superior court cases filed	211
New adult superior court cases per 1,000 population	4.9
Number of new cases assigned to counsel	155

Adult Misdemeanor

New county misdemeanor cases filed	2,193
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	2,256
Total new misdemeanor cases per 1,000 population	52.1
Number of new cases assigned to counsel by county	597

Juvenile Offender

New juvenile offender cases filed	52
New juvenile offender cases per 1,000 population	1.2
Number of new cases assigned to counsel	36

Whitman County is in the process of enacting a public defense standards ordinance. The Whitman County public defense contract requires approved annual attorney training and reporting of non-public defense attorney hours.

In 2010 Whitman County spent its state funding to increase public defense attorney compensation. The county plans to use its state funds in 2011 to maintain the improvements.

YAKIMA COUNTY

2009 population:	238,400
Percent below poverty level in 2008:	18.6%
2008 median household income:	\$44,556
2010 Chapter 10.101 RCW Distribution:	\$256,807

Yakima County delivers public defense representation through the Yakima County Department of Assigned Counsel (DAC), a county government-based agency. The agency's director and senior staff attorneys are responsible for attorney supervision and resolution of client complaints. DAC provides counsel in all cases requiring representation, including criminal cases, mental health/involuntary treatment act detentions, civil contempt, and felony and misdemeanor probation violations. DAC administers attorney contracts and panels of private attorneys who provide both overflow and conflict coverage. DAC handles investigative services through two in-house investigators, who are also available to contract counsel, and through a panel of contract investigators. Interpreter services are available through an approved list of providers managed by DAC.

2009 Statistics

Total adult criminal cases per 1,000 population	83.2
Amount spent for public defense	\$5,149,854
Amount spent per capita	\$21.60

Adult Felony

New adult superior court cases filed	2,380
New adult superior court cases per 1,000 population	10.0
Number of new cases assigned to counsel	1,959

Adult Misdemeanor

New county misdemeanor cases filed	5,754
Total new district and municipal court misdemeanor cases filed in county (see Glossary)	17,457
Total new misdemeanor cases per 1,000 population	73.2
Number of new cases assigned to counsel by county	3,500

Juvenile Offender

New juvenile offender cases filed	1,474
New juvenile offender cases per 1,000 population	6.2
Number of new cases assigned to counsel	1,374

Yakima County has adopted a public defense standards ordinance. The Yakima County DAC requires approved annual attorney training, and requires contract attorneys to attend approved training and report hours billed for non-public defense legal services.

In 2010 Yakima County spent its state funding to increase attorney compensation and provide defense attorneys at arraignments in Juvenile Court and Superior Court. The county plans to use its state funds in 2011 to continue these improvements.

CITY REPORT

Introduction

Across the state, cities' public defense systems for their municipal courts vary widely. Of the cities that received state funding through competitive grants under Chapter 10.101 RCW, the vast majority—13 of 15—contract with independent private attorneys or firms to provide public defense services. For conflict cases the cities administer additional contracts or combine both contracts and list appointments. Only one city receiving state grant funding—Spokane—provides public defense services through a city government agency. One other city—Tacoma—contracts with the county government-based public defender agency.

For an explanation of the methodology and data reporting procedures utilized for this report, see Appendix A. For a complete glossary of terms, see Appendix B.

- **Public defender agencies** are city government-based agencies.
- **Non-profit systems** involve the city contracting with a non-profit group or groups that are organized to provide public defense services.
- **Contracting with another government-based public defender agency** allows a city to take advantage of the high-quality legal services and administrative oversight provided by a professional full-time public defender agency.
- **Contract public defense systems** are systems in which the city enters into contracts with one or more private attorneys or firms to provide representation.
- **List appointment systems** involve lists of attorneys who have agreed to accept public defense cases and are appointed by the municipal court on a case-by-case basis.
- **Conflict appointments** of alternate attorneys are made by judges when the initially appointed public defense attorney is prohibited by ethics rules from representing an individual defendant, usually due to prior representation of another party in the case or when there are multiple defendants in the case.

CITY OF BELLINGHAM

2008 population:	75,750
Percent below poverty level in 2000:	20.6%
2000 median household income (in 1999 dollars):	\$32,530
2009 Competitive Grant Award:	\$137,500

The City of Bellingham delivers public defense representation through a contract system. The city contracts with one primary law firm, Bellingham Assigned Counsel (BAC), to handle the cases in Bellingham Municipal Court. The city also has separate contracts with individual attorneys to represent indigent clients when the primary law firm has a conflict.

2008 Statistics

Amount spent for public defense	\$602,901
Amount spent per capita	\$7.96

Adult Misdemeanors

New city misdemeanor cases filed	3,860
Total new misdemeanor cases per 1,000 population	51.0
Number of new cases assigned to counsel by city	2,476

The City of Bellingham has adopted a public defense standards ordinance. The primary city public defense contract requires annual training for attorneys and reporting of non-public defense attorney hours.

The city continues to use its grant funding to ensure attorney attendance at all criminal hearings by its primary service provider, Bellingham Assigned Counsel.

CITY OF BREMERTON

2008 population:	36,860
Percent below poverty level in 2000:	19.4%
2000 median household income (in 1999 dollars):	\$30,950
2009 Competitive Grant Award:	\$15,000

The City of Bremerton delivers public defense representation through a contract system. The city contracts with one primary law firm, Rovang & Associates (formerly Rovang Fong & Associates), to handle the eligible cases in Bremerton Municipal Court. Conflict attorneys are appointed from a list and are paid a flat fee for each case.

2008 Statistics

Amount spent for public defense	\$141,562
Amount spent per capita	\$3.84

Adult Misdemeanors

New city misdemeanor cases filed	2,788
Total new misdemeanor cases per 1,000 population	75.6
Number of new cases assigned to counsel by city	937

The City of Bremerton has adopted a public defense standards ordinance. The primary city public defense contract requires annual training of attorneys and reporting of non-public defense attorney hours.

Rovang & Associates continues to provide attorneys at all arraignments. For public defense cases the attorneys are present at all critical stages, including post conviction hearings such as compliance hearings and motions to revoke suspended sentences. The City of Bremerton also provides office space for two attorneys and a paralegal within the court facility. Providing office space in the court facility has improved communication with the law firm as well as defendants. The conflict attorney list has been expanded so the appointments are not significantly impacting one firm.

CITY OF CENTRALIA

2008 population:	15,540
Percent below poverty level in 2000:	18.0%
2000 median household income (in 1999 dollars):	30,078
2009 Competitive Grant Award:	\$10,000

The City of Centralia delivers public defense representation through a contract system. The city contracts with one primary law firm to handle the cases in Centralia Municipal Court. Conflict attorneys are appointed from a list.

2008 Statistics

Amount spent for public defense	\$91,013
Amount spent per capita	\$5.86

Adult Misdemeanors

New city misdemeanor cases filed	1,187
Total new misdemeanor cases per 1,000 population	76.4
Number of new cases assigned to counsel by city	647

The primary city public defense contract requires annual training for attorneys and reporting of non-public defense attorney hours.

The city used its state grant funds to make indigent counsel services available for in-custody defendants at arraignments. Having defense counsel available gives defendants the opportunity to better understand their rights and the charges being brought against them.

The city also used grant funds to expand the availability of interpreter services offered for attorney-client interviews. The court had experienced increased requests for sign language interpreter services, as well as some foreign languages not previously used.

CITY OF CHENEY

2008 population:	10,180
Percent below poverty level in 2000:	30.9%
2000 median household income (in 1999 dollars):	\$22,593
2009 Competitive Grant Award:	\$15,000

The City of Cheney delivers public defense representation through a contract system. The city contracts with one primary attorney to handle the cases in Cheney Municipal Court. Conflict attorneys are appointed from a list and are paid a flat fee for each case.

2008 Statistics

Amount spent for public defense	\$48,075
Amount spent per capita	\$4.72

Adult Misdemeanors

New city misdemeanor cases filed	493
Total new misdemeanor cases per 1,000 population	48.4
Number of new cases assigned to counsel by city	359

The City of Cheney has adopted a public defense ordinance. The primary city public defense contract requires annual training for attorneys and reporting of non-public defense attorney hours.

The city used its state grant funds to enhance indigent defense services by providing a public defender at arraignments. The public defender also visits in-custody defendants at the jail prior to their court date and arrives early for hearings to meet with defendants to prepare paperwork and speak to the prosecutor before court begins.

CITY OF DES MOINES

2008 population:	29,180
Percent below poverty level in 2000:	7.6%
2000 median household income (in 1999 dollars):	\$48,971
2009 Competitive Grant Award:	\$25,000

The City of Des Moines delivers public defense representation through a contract system. The city has one primary defense contract with two attorneys to handle the cases in Des Moines Municipal Court. Conflict attorneys are appointed from a list and are paid a flat fee for each case.

2008 Statistics

Amount spent for public defense	\$124,785
Amount spent per capita	\$4.28

Adult Misdemeanors

New city misdemeanor cases filed	1,068
Total new misdemeanor cases per 1,000 population	36.6
Number of new cases assigned to counsel by city	250

The City of Des Moines has adopted a public defense resolution. The primary city public defense contract requires attorneys to attend approved annual training and report their non-public defense attorney hours.

The city used its state grant funds to provide a public defender at first appearance hearings for defendants who are in custody and at arraignments for out-of-custody defendants. Some of the grant funds were also used for training purposes, including DUI training and training regarding immigration issues that arise from criminal cases commonly seen in courts of limited jurisdiction.

CITY OF EAST WENATCHEE

2008 population:	11,570
Percent below poverty level in 2000:	16.5%
2000 median household income (in 1999 dollars):	\$34,919
2008 Competitive Grant Award:	\$15,000

The City of East Wenatchee delivers public defense representation through a contract system. The city has two primary defense contracts with law firms to handle the cases in East Wenatchee Municipal Court. The city has a separate contract with another law firm that is paid an hourly rate to handle conflict cases.

2008 Statistics

Amount spent for public defense	\$86,613
Amount spent per capita	\$7.49

Adult Misdemeanors

New city misdemeanor cases filed	749
Total new misdemeanor cases per 1,000 population	64.7
Number of new cases assigned to counsel by city	401

The City of East Wenatchee has adopted a public defense resolution. The city public defense contracts require attorneys to attend approved annual training and report their non-public defense attorney hours.

The city used its state grant funds to continue the increase in public defender compensation started with prior grant fund awards. The increased compensation helped retain competent public defenders who provide high quality defense representation.

CITY OF FEDERAL WAY

2008 population:	88,040
Percent below poverty level in 2000:	9.3%
2000 median household income (in 1999 dollars):	\$49,278
2008 Competitive Grant Award:	\$10,000

The City of Federal Way delivers public defense representation through a contract system. The city has one primary defense contract with a law firm to handle the cases in Federal Way Municipal Court. Conflict attorneys are appointed from a list and are paid a flat fee for each case, review, or appeal.

2008 Statistics

Amount spent for public defense	\$514,253
Amount spent per capita	\$5.84

Adult Misdemeanors

New city misdemeanor cases filed	4,282
Total new misdemeanor cases per 1,000 population	48.6
Number of new cases assigned to counsel by city	2,891

The City of Federal Way has adopted a public defense ordinance and the primary city public defense contract requires compliance with the ordinance. The 2009 primary public defense contractor firm now focuses its work solely on the Federal Way public defense contract.

The city used state grant funding to help its contract firm add two additional public defense attorneys. This provides for public defenders at all arraignments and helps reduce public defender caseloads.

CITY OF LONGVIEW

2008 population:	35,880
Percent below poverty level in 1999:	16.7%
1999 median household income	\$35,171
2009 Competitive Grant Award:	\$20,000

The City of Longview delivers public defense representation through a contract system. The city contracts with one primary private attorney to handle the cases and a second attorney to handle major cases and conflict cases. When a case presents a conflict for the two contract attorneys, the court appoints attorneys from a list and pays the attorneys \$100 per hour.

2008 Statistics

Amount spent for public defense	\$269,638
Amount spent per capita	\$7.51

Adult Misdemeanors

New city misdemeanor cases filed	2,608
Total new misdemeanor cases per 1,000 population	72.7
Number of new cases assigned to counsel by city	2,230

The City of Longview has adopted a public defense ordinance. The City of Longview requires contract public defense attorneys to attend approved annual training.

The city used its state grant funding to contract with the conflict public defense attorney to take an additional 133 “major cases” to reduce the caseload of the primary contractor. The definition of “major cases” is Driving Under the Influence, Assault IV (DV) and Malicious Mischief.

CITY OF OLYMPIA

2008 population:	44,800
Percent below poverty level in 2000:	12.1%
2000 median household income (in 1999 dollars):	\$40,846
2009 Competitive Grant Award:	\$25,000

The City of Olympia delivers public defense representation through a contract system. The city contracts with three private attorneys to handle the cases in Olympia Municipal Court. When a case presents a conflict for all three contracted attorneys, the court appoints additional conflict counsel.

2008 Statistics

Amount spent for public defense	\$132,231
Amount spent per capita	\$2.95

Adult Misdemeanors

New city misdemeanor cases filed	2,926
Total new misdemeanor cases per 1,000 population	65.3
Number of new cases assigned to counsel by city	1,666

The city of Olympia has adopted a public defense ordinance. The city's public defense contracts require attorneys to attend approved annual training and report their non-public defense attorney hours.

The city used its state grant funding to secure a public defense attorney at all arraignment calendars. This allowed defendants to be represented by counsel at every critical hearing stage, resulting in fewer continuances and more timely resolution of cases. With early resolution of simple cases, public defense caseloads were reduced, allowing attorneys to focus on higher priority or more complex cases. Those whose cases were not appropriate for resolution at arraignment understood the process better and were able to more readily participate in the defense of their case.

CITY OF PORT ANGELES

2008 population:	19,170
Percent below poverty level in 2000:	13.2%
2000 median household income (in 1999 dollars):	\$33,130
2009 Competitive Grant Award:	\$12,000

The City of Port Angeles delivers public defense representation through a contract with the Clallam Public Defender, a private non-profit organization. When the Clallam Public Defender has a conflict, the court appoints a conflict attorney from a list.

2008 Statistics

Amount spent for public defense	\$35,481
Amount spent per capita	\$1.85

Adult Misdemeanors

New city misdemeanor cases filed	1,011
Total new misdemeanor cases per 1,000 population	52.7
Number of new cases assigned to counsel by city	675

The City of Port Angeles is waiting for the Supreme Court to adopt public defense standards before adopting its local ordinance. The amended contract with the Clallam Public Defender requires the defense attorneys to participate in regular training programs on public defense.

The city used state grant funds to increase attorney compensation and require the Clallam Public Defender to use its best efforts to review the county jail roster on a daily basis so attorneys can consult with incarcerated clients as soon as possible to represent their interests.

CITY OF SOUTH BEND

2008 population:	1,770
Percent below poverty level in 2000:	18.3%
2000 median household income (in 1999 dollars):	\$29,211
2009 Competitive Grant Award:	\$5,000

The City of South Bend delivers public defense representation through a contract system. The city contracts with one primary attorney to handle the cases in South Bend Municipal Court. When a case presents a conflict for the contract attorney, the court appoints conflict counsel. Compensation for conflict attorneys is \$85 per hour.

2008 Statistics

Amount spent for public defense	\$7,800
Amount spent per capita	\$4.41

Adult Misdemeanors

New city misdemeanor cases filed	207
Total new misdemeanor cases per 1,000 population	11.7
Number of new cases assigned to counsel by city	250

The City of South Bend requires public defense attorneys to attend approved annual training and report their non-public defense attorney hours.

The city used its state grant funding to increase defense compensation, provide certified interpreters to assist with communication between the defense attorneys and defendants, and provide a computer and internet access for the public defense attorney.

CITY OF SPOKANE

2008 population:	204,400
Percent below poverty level in 2000:	15.9%
2000 Median household income (in 1999 Dollars):	\$32,273
2009 Competitive Grant Award:	\$84,000

The City of Spokane delivers public defense representation through a city public defender agency. The City of Spokane Public Defender Office has a director, 18 attorneys, and several part-time investigators. The City of Spokane agency and the Spokane County Public Defender's Office have an inter-local agreement to provide representation for each other's conflict cases.

2008 Statistics

Amount spent for public defense	\$2,307,470
Amount spent per capita	\$11.29

Adult Misdemeanors

New city misdemeanor cases filed	9,972
Total new misdemeanor cases per 1,000 population	48.8
Number of new cases assigned to counsel by city	8,367

The City of Spokane has adopted a public defense resolution. The City of Spokane Public Defender Office pays for approved attorney training.

The city used state grant funds to fund a public defender to handle daily arraignment and bench warrant recall case dockets in the City of Spokane Municipal Court. The city also started providing an attorney at first appearances for in-custody defendants. This resulted in appreciable improvement in the handling and processing of cases.

From January 2, 2010 to July 31, 2010, of a total of 3,860 arraignment and bench warrant recall cases on which a person was advised by a public defender, 1,389 cases were resolved at arraignment, and 2,471 received advice from the attorney for later resolution at pretrial hearings or trial. Of the cases resolved, 409 were 12-month stipulated orders of continuance (SOCs), 131 were 24-month SOC's, 503 were bond forfeitures, 25 were reduced to infractions, 124 were dismissed with prejudice, and 147 dismissed without prejudice, and 50 were resolved in some other way.

CITY OF STEVENSON

2008 population:	1,440
Percent below poverty level in 2000:	12.4%
2000 median household income (in 1999 dollars):	\$31,979
2009 Competitive Grant Award:	\$2,500

The City of Stevenson delivers public defense representation through a list appointment system. Private defense attorneys have agreed to accept appointments for an hourly rate of compensation.

2008 Statistics

Amount spent for public defense	\$8,097
Amount spent per capita	\$5.62

Adult Misdemeanors

New city misdemeanor cases filed	55
Total new misdemeanor cases per 1,000 population	38.2
Number of new cases assigned to counsel by city	40

The city used its state grant funding to increase compensation for defense attorneys accepting appointments from \$65 per hour to \$75 per hour.

CITY OF TACOMA

2008 population:	202,700
Percent below poverty level in 2008:	16.0%
2008 Median household income (in 2008 Adjusted Dollars):	\$47,207
2009 Competitive Grant Award:	\$20,000

The City of Tacoma delivers public defense representation through an interlocal agreement with the Pierce County Department of Assigned Counsel (DAC), the county public defender agency.

2008 Statistics

Amount spent for public defense	\$1,053,690
Amount spent per capita	\$5.20

Adult Misdemeanors

New city misdemeanor cases filed	9,599
Total new misdemeanor cases per 1,000 population	47.4
Number of new cases assigned to counsel by city	4,403

Pierce County has adopted a public defense ordinance that is followed in DAC's public defense representation in Tacoma Municipal Court. The public defense attorneys are required to attend seven hours of OPD-approved training annually.

The city used its state grant funds to reduce attorney caseloads. Tacoma matched the state grant funds with additional city funds sufficient to allow DAC to hire an extra .5 FTE defense attorney.

CITY OF VANCOUVER

2008 population:	162,400
Percent below poverty level in 2000:	12.2%
2000 median household income (in 1999 dollars):	\$41,618
2009 Competitive Grant Award:	\$80,000

The City of Vancouver delivers public defense representation through a contract system. The city has one primary defense contract with a law firm to handle cases in Vancouver Municipal Court, as well as two contracts with additional attorneys to provide representation in conflict cases.

2008 Statistics

Amount spent for public defense	\$570,877
Amount spent per capita	\$3.52

Adult Misdemeanors

New city misdemeanor cases filed	6,458
Total new misdemeanor cases per 1,000 population	39.8
Number of new cases assigned to counsel by city	3,214

The City of Vancouver adopted a new public defense standards ordinance in 2009. The old ordinance was adopted in 1990 and was not consistent with current recommended standards. The city requires attorneys to attend approved annual training and report their non-public defense attorney hours.

The city used its state grant funds to continue to fund additional full-time attorneys to reduce caseloads, as well as to combine resources with Clark County to fund another full-time attorney who focuses only on therapeutic courts (alcohol, drug or mental health issues).

CITY OF YAKIMA

2008 population:	84,300
Percent below poverty level in 2000:	22.4%
2000 median household income (in 1999 dollars):	\$29,475
2009 Competitive Grant Award:	\$150,000

The City of Yakima delivers public defense representation through a contract system. The city has one primary defense contract with a law firm to handle cases in Yakima Municipal Court. A second contract provides attorneys to handle conflict cases and some of the primary defense contractor cases to help reduce the caseload of the primary contractor attorneys. Additional attorneys are utilized on an as-needed basis when the conflict attorney is conflicted out, or appellate services are needed.

2008 Statistics

Amount spent for public defense	\$387,149
Amount spent per capita	\$4.59

Adult Misdemeanors

New city misdemeanor cases filed	6,032
Total new misdemeanor cases per 1,000 population	71.6
Number of new cases assigned to counsel by city	6,032

The City of Yakima has adopted a public defense standards ordinance. The primary city public defense contract requires attorneys to attend approved annual training and report their non-public defense attorney hours.

The city used its state grant funds for additional attorneys and a conflict attorney to help reduce caseloads and to provide public defender services at arraignment.

Appendix A

Methodology and data reporting for County / City reports

Because of the individualized nature of Washington's local public defense systems, making comparisons is challenging. However, county and city defense contracts along with other data included in the funding applications submitted pursuant Chapter 10.101 RCW yield important information about actual public defense practices in Washington.

County Report: The County Report presents data on funding and caseload levels in each county that applied for and received state funding for use during calendar year 2010. Thirty-eight counties submitted funding applications under RCW 10.101.050. Each applying county provided 2009 data regarding public defense assignments and costs of public defense.

City Report: The City Report presents data on funding and caseload levels in the 15 cities that received competitive grants for use during calendar year 2010. Because the application cycle for cities occurred in mid-2009, the most current annual information available was from 2008.

OPD reviewed the data provided by the counties and cities, consulted with particular jurisdictions where questions arose, and used the information to prepare this report.

Initial data from counties and cities alike varied widely due to differing case-counting and reporting practices. There is no standard method; systems differ, sometimes even within individual jurisdictions. Some are based on "points" or "credits" rather than cases, while others assign differing values to certain case types.

The manner in which jurisdictions deal with post-conviction hearings such as probation violations (PVs) also impacts caseload calculations.²⁰ Generally, PVs are less time-consuming than new cases. Some counties count PVs as a case; some do not count or report them at all; and others count them as a fraction of a case (often one-third).

²⁰ Probation Violations (PVs) are proceedings in which convicted persons on probation are accused of non-compliance with their conditions of probation. Because these individuals are subject to further sanctions, including incarceration, they are eligible for court-appointed counsel.

Methods of accounting for and tracking cases assigned to these public defense providers are as varied as the systems. For example, many counties and cities rely on the attorneys to cover all cases assigned and do not have any system for tracking the number of assigned cases; some counties lump together juvenile offender and Becca cases assigned to public defenders and some counties do not. Similarly, the tracking of dollars spent on public defense is varied, and includes different elements in different jurisdictions. These variations make a comparative analysis challenging and some conclusions tentative. Nevertheless, the data gathered during the Chapter 10.101 RCW application process presents a valuable picture of public defense services statewide.

In preparing the county and city data reports, OPD used information submitted as part of each jurisdiction's application for funding as well as data from the Administrative Office of the Courts (AOC) caseload reports. OPD's public defense service managers contacted the counties and cities to clarify and augment data where necessary. Completed data reports were returned for local review. Each county and city had an opportunity to make additional comments and input to the final product. County and city staff were gracious and generous with their time during this process, and the reports would not have been possible without their help.

Appendix B

Glossary for County and City Reports

County Profile

2009 population: Total county population as reported in the Washington State Office of Financial Management April 1, 2009 - Population of Cities, Towns, and Counties publication.

Percent below poverty level: Percent of county population below the federal poverty level as reported by the U.S. Bureau of the Census. For most counties the 2008 information was included, however, for some counties the 2008 information was not available so earlier information was used.

Median household income: Median household income as reported by the Washington State Office of Financial Management October 2008; Median Household Income Estimates by County: 1989 to 2008 and Projection for 2008.

2009 Chapter 10.101 RCW distribution: The county's allocation of the Chapter 10.101 RCW funds appropriation, as determined by the statutory distribution formula. The distributions occurred in December 2009, and were used during calendar year 2010.

I. 2009 Statistics

1. Total adult criminal cases per 1,000 population: The total number of new trial level adult felony and misdemeanor criminal cases (including misdemeanors filed in some municipal courts), as reported by AOC divided by the county population as expressed in thousands.
2. Amount spent for public defense: The county-reported total dollar amount spent for public defense representation during 2009.
3. Amount spent per capita: The county-reported total dollar amount spent for public defense representation divided by the total county population. **Caution:** The amount spent per capita is not directly comparable county to county. This per capita amount is influenced by a number of variables, including geography, the number of cases filed, the number of major cases filed, and the number of attorneys practicing in the county, local attorney availability, the county's poverty rate, and case filing rates.

II. Adult Felony

1. New adult felony cases filed: The number of new (non-probation violation) adult Superior Court cases filed during 2009 as reported by AOC.
2. New adult felony cases per 1,000 population: The number of new adult Superior Court cases filed divided by the county population as expressed in thousands.
3. Number of new cases assigned to counsel: The county-reported number of new adult Superior Court cases assigned to public defense counsel during 2009.

III. Adult Misdemeanor

1. New county misdemeanor cases filed: The number of new (non-probation violation) District Court cases filed during 2009 as reported by AOC.
2. Total new misdemeanor cases filed in county: The total number of new misdemeanor cases filed in all courts in the county, including municipal courts, during 2009 as reported by AOC.
3. Total new misdemeanor cases per 1,000 population: The total number of new misdemeanor cases filed during 2009 divided by the county population as expressed in thousands.
4. Number of new cases assigned to counsel by county: The county-reported number of new adult District Court cases assigned to public defense counsel during 2009.²¹

IV. Juvenile Offender

1. New juvenile offender cases filed: The number of new (non-probation violation) juvenile offender cases filed during 2009 as reported by AOC.
2. New juvenile offender cases per 1,000 population: The total number of new juvenile offender cases filed during 2009 divided by the county population as expressed in thousands.
3. Number of new cases assigned to counsel: The county-reported number of new filed juvenile offender cases assigned to public defense counsel during 2009. Not all juvenile arrests result in juvenile offender cases being filed. Some are diverted and for some, no action is taken.

²¹ Some counties included contract municipal cases in the reported number.

City Profile

2008 population: Total city population as reported in the Washington State Office of Financial Management April 1, 2008- Population of Cities, Towns, and Counties publication.

Percent below poverty level: Percent of city population below the federal poverty level in 2000 as reported by the U.S. Bureau of the Census. Updates are not available for most smaller cities.

Median household income: Median household income in 2000 as reported by the U.S. Bureau of the Census, in 1999 dollars.

2009 Competitive Grant Award: The city's grant funding from the state as determined through a competitive application process pursuant to RCW 10.101.080. The distributions occurred in December 2009, and were used during calendar year 2010.

I. 2008 Statistics

1. Amount spent for public defense: The city-reported total dollar amount spent for public defense representation during 2008, including any Chapter 10.101 RCW grant funds.
2. Amount spent per capita: The city-reported total dollar amount spent for public defense representation divided by the total city population. **Caution:** The amount spent per capita is not directly comparable city to city. This per capita amount is influenced by a number of variables, including geography, the number of cases filed, the number of major cases filed, local attorney availability, the number of attorneys practicing in the city, the city's poverty rate and case filing rates.

II. Adult Misdemeanor

1. New city misdemeanor cases filed: The number of new (non-probation violation) Municipal Court cases filed during 2008 as reported by AOC.
2. Total new misdemeanor cases per 1,000 population: The total number of new misdemeanor cases filed during 2008 divided by the city population as expressed in thousands.

3. Number of new cases assigned to counsel by city: The city-reported number of new Municipal Court cases assigned to public defense counsel during 2008.